

County of Loudoun
Department of Planning
MEMORANDUM

DATE: April 2, 2010
TO: Loudoun County Planning Commission
FROM: Judi Birkitt, Project Manager
SUBJECT: April 7, 2010 Planning Commission Work Session
Kincora Village Center, ZMAP 2008-0021

AGENDA:

A. Land Use

1. Land Use Mix
2. Residential Uses
3. Retail
4. Office
5. Civic Space

B. Phasing of Uses

C. Transportation Phasing

D. Zoning

E. Environmental

F. Historic/Archaeology

G. Design

The purpose of the April 7, 2010 work session is to consider the application's remaining outstanding issues. Attachment 1 provides staff responses to the Planning Commission's questions and requests for additional information from previous work sessions. Please refer to the previously provided Proffer Statement dated January 13, 2009 and the Concept Plan.

BACKGROUND:

The Planning Commission held a public hearing on the above-mentioned application on October 15, 2009. Planning Commission discussion included land use, whether the southern portion should be removed from the PD-MUB rezoning request, the phasing of uses, how the Kincora special exception would be integrated with the rezoning application, and whether schools, libraries, and parks were available to serve the proposed residential uses. Staff discusses these comments and questions within the text of the related land use issue below. The Commission voted 8-0-1 (Brodrick—absent) to forward the application to work session for further discussion.

The Planning Commission held a work session on this application on January 14, 2010. During the work session, Ben Mays, Chief Financial Officer, and Jack Roberts, County Attorney, provided the Commission an overview of the Route 28 Highway Improvement Tax District and Community Development Authorities (CDAs). At its February 4, 2010 work session, the Planning Commission discussed the application's outstanding land use issues. A subsequent work session was held on March 10, 2010, for the purpose of discussing transportation issues and the Broad Run Toll House and bridge ruins.

Keynote Employment Land Use Mix – The anticipated Keynote Employment land use mix and the proposed land use mix are shown in Table 1 below. The estimated floor area is based on a 0.4 floor area ratio (FAR).

Table 1: Keynote Employment Land Use Mix

Keynote Employment Land Use Categories	Minimum Required – Maximum Permitted ¹	Equivalent Land Area ²	Estimated Floor Area ³	Proposed
High Density Residential	0%	0%	0%	1400 dwelling units
Regional Office	70% - 85%	236 acres – 286 acres	4.1 mil. sq. ft. – 4.9 mil. sq. ft.	2.8 mil. sq. ft.
Commercial Retail & Services ⁴	0% - 10%	0 – 34 acres	205,303 sq. ft. – 249,296 sq. ft.	873,825 sq. ft.
Public & Civic ⁵	5% - no maximum	16.8 acres	16.8 acres	277,000 sq. ft.
Public Parks & Open Space ⁶	10% - no maximum	33.7 acres	33.7 acres	33.7 acres

¹ As a percentage of total land area

² Based on 336.64 acres

³ Based on 0.4 FAR

⁴ Retail Plan limits retail to 5% total non-residential floor area (205,303 square feet – 249,296 square feet)

Residential - The presence of residential uses are a major discrepancy between the Keynote Employment land use mix and the applicant's proposed land use mix. The applicant proposes 1,400 multi-family residential units. Keynote Employment Centers, as defined in the Revised General Plan (RGP), do not include residential uses, and the subject site is not located in an area within the Route 28 Tax District where residential uses are permitted. Since the area is not planned for residential uses, services such as schools, libraries, and parks have not been planned or provided to serve the residents. This is particularly important given the poor road access to the west that will continue until Gloucester Parkway is constructed.

Residential Density – The proposed number of residential units (1,400) is double what is recommended in the RGP. Within a Regional Office development, RGP policy recommends that residential uses occupy a maximum of 25% of the land area at densities between 8 and 16 units per acre and yielding a maximum of 720 dwelling units, which is 680 less than what is being proposed.

In addition to not being envisioned in areas planned for Keynote Employment or within this area of the Route 28 Tax District, the proposed residential uses raise the following concerns:

Capital Facilities - The capital facility impact of the proposed development is \$33,261,200. The applicant's proffers propose that funds for capital facilities be directed towards transportation improvements. The applicant also proposes land dedications and other proffers that do not qualify under the County's capital facilities proffer guidelines. The applicant provided a Draft Capital Facilities Contribution sheet dated January 4, 2010.

Since the March 10, 2010 work session, staff has completed the evaluation of the applicant's appraisal for the public use site. The evaluation indicates that the appraisal was based upon the existing PD-IP zoning, rather than the planned land use of Keynote Employment. Without further information, staff estimates the value of the public use site at \$2,831,400.

Open Space Preservation Program - The applicant is not currently participating in the Open Space Preservation Program. To offset the demand created by the proposed increased concentration of residents in an area where residential development is not permitted, the open space calculations for residential projects may be more appropriate in this case, which calls for a contribution of \$4,721,500 to \$6,212,500.

Rather than count towards capital facilities credits, as is proposed, given that the preservation of the Broad Run floodplain is a County priority, staff credits the Broad Run floodplain dedication towards meeting the open space easement contribution.

Unmet Housing Needs – There are two issues with the applicant's unmet housing needs proffers.

- All of the 140 proffered units could be for renters with an income of up to 100% of the Washington Metropolitan AMI (\$102,700 effective March 19, 2009), which equates to a market rate unit at \$2,500/month rent.
- The proffered residential units do not address the County's largest segment of unmet housing needs—those with incomes below 30 percent of the Washington Metropolitan Area Median Income (AMI) (\$30,810).

Possible solutions include: (1) Revising the proffers to provide units specifically for those with incomes below 30 percent of the Washington Metropolitan AMI. (The County Attorney is currently reviewing staff's proposed unmet housing needs proffer revisions. Staff's suggested unmet housing needs language will be provided at the April 7, 2010 Planning Commission work session.) or (2) Making a contribution to the County's housing trust fund. In the past, the County has accepted \$500 per market rate unit (1,312 x \$500 = \$656,000) (Example: Arcola Center).

Commercial Retail and Service Uses

There are three primary commercial retail and service use land use issues that pertain to the amount and the scale of proposed uses and the number of hotels.

Amount of Commercial Retail and Service Uses – Table 2 compares the proposed amount of commercial retail and service uses with Revised General Plan policy.

TABLE 2. COMMERCIAL RETAIL AND SERVICES USES

	POLICY		PROPOSAL	
Northern portion of site	5% (of the total office uses)	93,610 sq. ft.	45%	844,825 sq. ft.
Southern portion of site	5% (of the total office uses)	47,500 sq. ft.	3%	29,000 sq. ft.
TOTAL		141,110 sq. ft.		873,825 sq. ft.

The proposed amount of retail for the northern portion of the property is 6 times the amount recommended in the Revised General Plan. Retail uses should serve the convenience and personal service needs of the business community. Staff recommends reducing the amount of retail uses on the overall property to a total of 5% of the total office floor area in the development, which would be 114,110 square feet.

Large-Scale Free-standing Retail - The Revised General Plan does not support large-scale free-standing retail (over 50,000 square feet) on the subject property (neither for Keynote Employment nor Regional Office Centers). The current proposal includes the following:

- 1 grocery store - up to 60,000 square feet
- 1 health and fitness center - up to 60,000 square feet
- 1 specialty retail store (outdoor recreation) - up to 60,000 square feet
- Other individual stores - up to 30,000 square feet

As currently proposed, there is no assurance that the site will develop with the small scale retail uses envisioned for a pedestrian-oriented mixed-use development. Staff suggests revising Proffer IB2 to state that no less than half of the proposed non-hotel commercial retail uses will be located within mixed-use buildings containing two or more different uses. Staff recommends removing large-scale free-standing retail from the project. These larger-scale retail stores would be competing with existing retail uses in the area, including Dulles Town Center, which is designated as the County's "urban center". Without a market study that indicates otherwise, Staff has concerns whether the market could support additional large-scale free-standing retail.

How many hotels are acceptable? Since the public hearing, the applicant has reduced the proposed number of hotels from 3 to 2, one of which is proffered to be Full-Service. At Staff's request, the applicant is also proffering that the meeting rooms within the full

service hotel will occupy a minimum of 3,500 square feet and the sit-down restaurant will contain a minimum of 3,500 square feet. The applicant has also decreased the number of total hotel rooms to a maximum of 570 and reduced the maximum floor area devoted to hotel uses to 475,000 square feet. Staff finds that one Full-Service hotel within the development may be reasonable. The proffered restaurant and meeting rooms within the proposed Full-Service hotel would be employment supportive.

Office Uses

The Revised General Plan anticipates 4 million square feet of office on the subject property, due to its prominent location within a major employment corridor. Of the 3.7 million square feet of office uses proposed as part of this application and the approved special exception, there is no assurance that more than 800,000 square feet of office uses will be developed.

Staff recommends the applicant commit to higher intensity office uses fronting Pacific Boulevard in the early phases of the development to ensure that office uses are not only the predominant uses on the site, but also the predominant feature when viewed from periphery roads.

Civic Space

There are two issues with the applicant's proposed civic space:

How the Civic Space is Calculated – As proffered, the minimum amount of civic space is calculated incorrectly. The Revised General Plan (RGP) calls for 5% of the *gross land area* to be public and civic uses. The applicant proffers to provide a minimum of 5% of the *total floor area*, which would be less than policy recommends. The proffers need to be revised to base the amount of civic space on the gross land area rather than the total floor area, so that the amount of civic space is provided according to RGP policy.

Types of Civic Space – As defined in the Revised General Plan, civic space includes community centers, small churches, fire and rescue facilities, schools, non-profit day care centers, plazas, public art, and entrance features. The applicant proffers a 10,000 square foot central plaza and a five-acre public use site (fire and rescue facility) that may fulfill the civic space requirement. Beyond that, the applicant has not committed to specific types, sizes, locations, or phasing for proposed public and civic uses. Staff recommends that the application specify the size, location and phasing of all proposed civic space, clearly identifying the civic space on the Concept Plan and quantifying the areas on the Concept Plan Tabulation Sheet. Staff notes that a school and community center would be appropriate civic spaces for this particular site. Staff also recommends that the proffers be revised to include only those uses that meet the definition of civic space as identified in the RGP.

Further, the applicant proffers a 2-acre site for a performing arts center, but the proffers relieve the applicant of the 2-acre dedication if a similar facility is located within a 5-mile

radius. If the applicant wishes to count this towards meeting the civic space requirement, the proffers need to be amended so that the 2-acres will be devoted to some other civic amenity if the performing arts center is not located on site.

Phasing of Uses

The table below summarizes the applicant's proposed phasing for the overall development.

**Table 4: Proffered Phasing Linking Non-Residential
Uses to Residential Development**

Use ¹	Phase 1	Phase 2	Phase 3
Office	Minimum 150,000 sq. ft.	Minimum 800,000 sq. ft.	No further linkage limitation on timing of residential uses once occupancy permits have been issued for more than 1,500,000 square feet of non-residential uses on the rezoning property and/or the special exception property
	4% of the total office uses	22% of the total office uses	
Commercial Retail and Service	Up to 630,000 square feet	Up to 700,000 square feet	
	67% of the total commercial retail and service uses	74% of the total commercial retail and service uses	
Total Non-residential	780,000 square feet	1.5 million square feet	
	16% of the total non-residential uses	32% of the total non-residential uses	
Residential	Up to 928 dwelling units	Up to 1,153 dwelling units	
		82% of the total residential uses	
	66% of the total residential uses	Up to 1,303 dwelling units ² 93% of total residential uses	

¹May include non-residential development approved with the SPEX 2008-0054 (baseball recreational complex)

²If a zoning permit has been issued for the baseball stadium proposed with SPEX 2008-0054, then the applicant may develop up to 1,303 dwelling units as part of Phase 2.

There are two issues with the applicant's proposed phasing:

Compliance with the Revised 1993 Zoning Ordinance - The proposed phasing does not appear to comply with Section 4-1355(1), PD-MUB Development Standards, of the Revised 1993 Zoning Ordinance, which states:.

"Employment Uses.¹ At least 40% of the total floor area of the district shall be devoted to uses listed in the Employment use category. Employment uses shall always have the largest percentage of floor area in the district."

¹Sections 4-1353(A) of the Revised 1993 Zoning Ordinance, Permitted Employment Uses: (1) offices, administrative, business or professional and (2) research and development. Section 4-1354 Special Exception Employment Uses: (1) flex-industrial uses (2) manufacturing, processing, fabrication and or assembly of products, and (3) wholesale trade establishment.

As proffered, employment uses comprise 40% of the total floor area of uses overall. However, as phased, employment uses would not always have the largest percentage of floor area.

Consistency with the Revised General Plan - Within a Keynote Employment or Regional Office development, the Revised General Plan states that office uses should be the predominant use. The Retail Policies further direct developing retail uses on a pro-rata basis in proportion to the office uses as construction occurs. The proposed phasing is inconsistent with these policies as described further below:

Residential and Commercial Retail and Service Uses – The first two phases are heavy on residential and retail uses, and light on office uses. Staff recommends decreasing the amount of residential and retail uses in each phase while increasing the amount of office uses.

Further, the applicant's proffer statement does not address when the proposed hotels would be constructed. The hotels are included within the Commercial Retail and Service Uses on the proposed phasing table above. Because a full-service hotel would be employment supportive to the office uses, office uses should be constructed first to establish an employment base for the hotel to support.

Office Uses - By the end of Phase 2, the residential and office uses are near the proposed maximums, and the proffers provide no further linkage between residential and non-residential uses once occupancy permits have been issued for more than 1.5 million square feet of non-residential uses; that include the property that is the subject of this rezoning application and the previously approved special exception application. To ensure a balance of uses in each phase with office as the predominant use, staff recommends that office uses comprise 50% of the uses within each phase.

TRANSPORTATION

The proposed development would generate 1,061 additional AM peak hour trips, 1,662 additional PM peak hour trips, and 20,859 additional daily trips over the approved development on the site under the current zoning. Applicant given the short timeframe within which this information was submitted (March 31, 2010).

Staff received clarification regarding the traffic study's assumptions. Certain portions of the surrounding road may not be as severely impacted by the proposed road network as initially indicated, but it is still the case that the Waxpool Road corridor will continue to operate beyond capacity in peak hours without alternate road connections across Broad Run. Construction of the Gloucester Parkway connection across Broad Run would provide the most relief to Waxpool Road, while construction of the Pacific Boulevard connection across Broad Run would provide lesser relief. Therefore, while staff no longer finds the previously recommended off-site improvements necessary to mitigate site-generated traffic impacts, staff still recommends the acceleration of the proposed

Gloucester Parkway connection to an “up front” improvement (prior to Phase 1 of the development), as discussed further below.

Transportation Phasing - One outstanding transportation issue remains pertaining to the timing of transportation improvements. The two key regional road connections associated with this application are the Gloucester Parkway connection to Loudoun County Parkway and the Pacific Boulevard connection north to Russell Branch Parkway. The applicant has submitted a proposal to the Board of Supervisors for a Community Development Authority (CDA) that if approved, would finance the construction of these two roadways within three years of establishment of the CDA.

At issue is that without a CDA, the proffered timing of improvements does not mitigate the traffic generated by the development. The proffered trigger for the Gloucester Parkway connection is upon issuance of zoning permits for 2,400,001 square feet of non-residential uses. All of the hotel rooms, all of the residential dwelling units, and all of the retail uses could be developed before the Gloucester Parkway connection would be constructed.

Should Pacific Boulevard be the connection made initially, then all of Pacific Boulevard through the site would need to be constructed as a four-lane facility initially as it would be the sole connection across Broad Run, and additional discussions regarding the acceleration of the phasing of the Gloucester Parkway connection from its currently-proposed trigger in Phase 3 of the development to sometime in Phase 2 would be necessary.

Per the Commission’s request, staff is preparing a compilation of selected relevant transportation proffers for other approved projects in the area; this information will be distributed to the Commission at the meeting on April 7, 2010.

ZONING

There are three primary Zoning issues as follows:

Compliance with the Revised 1993 Zoning Ordinance, Sections 4-1351, Purpose and Intent, and 4-1355(I)(1) Concept Development Plan - Land Bays Q and N are separate from the core of the mixed use development, contrary to the purpose and intent of the PD-MUB zoning district, and the Concept Plan does not exhibit a compact development pattern for Land Bays Q and N, as required by Section 4-1355(I)(1),

The applicant recognizes that the proposed uses within Land Bays N and Q are more consistent with the PD-OP (Planned Development – Office Park) zoning district (and with Keynote Employment policies). Due to time constraints, rather than revise the application with the southern portion of the property proposed for PD-OP, the applicant would like to include proffers that would achieve the intent of the PD-OP district on the southern portion of the property.

Staff recommends excluding the southern portion of the property from the PD-MUB rezoning request and revising the application to request PD-OP on the southern portion of the property.

Compliance with Section 5-1508 of the Revised 1993 Zoning Ordinance. Very Steep Slopes - The extension of Pacific Boulevard appears to impact very steep slopes, which is prohibited by the above-referenced ordinance.

Zoning Modifications - Staff does not support two of the Zoning Ordinance modifications. However, staff continues to have discussions with the applicant regarding these two modifications:

- Section 5-1413(C)(1)(a) and (2)(a) to reduce the landscape strip between a parking lot and the abutting property line or right-of-way from 10 feet to 4 feet - Staff is concerned that the reduced planting area will not support healthy canopy trees and sustained growth.
- Section 4-1358(C) to reduce the planting density of street trees from 1 tree per 25 feet to 1 tree per 44 feet with on-street parking and 1 tree per 35 feet without on-street parking – Staff continues to request additional information illustrating the constraints (utilities, sight distance, streetscape amenities) that justify the reduced number of trees.

Staff continues to advise the applicant to remove the FSM and LSDO modifications from the Proffer Statement and Concept Plan. As the procedure for processing these is during site plan review when more detailed engineering drawings are available for evaluation, staff has not reviewed them within the context of this rezoning application.

ENVIRONMENTAL

Protection of Herons - During a recent site visit for an application on an adjacent property and a follow-up site visit on the Kincora, eleven additional heron nests were identified approximately 600 feet upstream of the heron rookery on the bank of Broad Run on the Kincora property. The Virginia Department of Game and Inland Fisheries (DGIF) has indicated that the agency will extend the boundaries of the colony to include the new nesting area. In light of this new information, staff recommends that the 700-foot and 1,400-foot buffers be revised on the Concept Plan to account for the new nesting area. The revised 700-foot buffer does not appear to affect the Kincora development, considering the area is designated as a Riparian Reforestation Area. However, the 1,400-foot buffer extends farther into Land Bay C and would preclude a larger area from construction activities during the nesting season.

HISTORIC/ARCHAEOLOGY

Broad Run Toll House and Bridge Ruins - At the March 10, 2010 Planning Commission work session, the Commission requested that staff work with the applicant

to articulate a Pacific Boulevard envelope that would include the two more southern alignments and eliminate the northernmost alignment so that the Broad Run Toll House and bridge ruins could be preserved in place. The applicant noted at the meeting that avoiding the 0.83-acre historic property entirely may not be possible due to engineering and topographical considerations.

At a March 18, 2010 meeting with County staff, the applicant provided an updated illustrative that shows a reduced envelope that excludes the alignment that would most impact the toll house; the envelope does include the northeastern tip of the Toll House property. Staff notes that the road alignment could encroach onto the property approximately 50 feet and could come within approximately 100 feet of the Toll House.

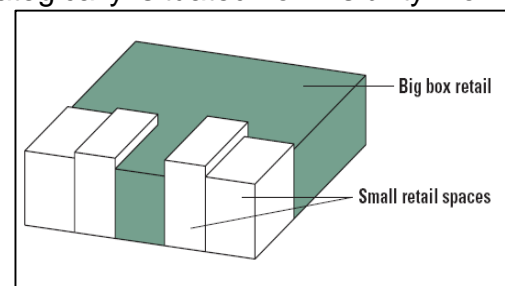
Staff recommends that the applicant include proffer language stating that, if right of way is needed within the parcel boundary of the property, the right of way, including the limits of clearing and grading for road construction, will not occur within a maximum of 150 feet of the Toll House or the bridge remains. Staff notes that any encroachment into the property will have an impact on the County's historic site district designation for this property and coordination with the County's Historic District Review Committee will be required.

DESIGN

As currently proposed, several elements of the proposed site layout and design are inconsistent with the Revised General Plan design objectives

Large-scale Retail Buildings - Should the Planning Commission wish to consider large-scale free-standing retail, it is critical that proffers demonstrate that the large-scale retail uses will:

- Be located internal to the site with no frontage or signage on Route 28, Pacific Boulevard, and Gloucester Parkway (or strategically situated for visibility from these roadways).
- Be subject to architectural and design standards that ensure that these larger buildings are masked and do not look or function like large-scale free-standing buildings. (i.e., multi-story building, multiple façade treatments giving the appearance of smaller scale retail uses, etc.). Staff recommends the design technique to the right to visually integrate larger buildings with the pedestrian-oriented



Central Plaza - Staff continues to recommend locating a plaza at the terminus of Road 6 providing a focal point for the community. Staff further recommends revising Proffer IH to state that the plaza within Land Bay J will be provided prior to or

concurrent with the issuance of an occupancy permit for either the 401st residential dwelling unit, inclusive of the "ADU-Equivalent" Units and the Unmet Housing Need Units or the 325,001st square foot of non-residential uses. prior to of concurrent with issuance of an occupancy permit for Land Bays A or F.

Building Placement and Orientation - To promote pedestrian activity, buildings should be placed close to the street with maximum setbacks and the primary entrance should face the street rather than surface parking or parking structures. Based on the information provided it appears that Roads 2, 6, 8, and 9 (if realigned) will serve as the project's primary pedestrian streets, while Roads 1, 3, 4, 5, 7, 10, 11, and 12 will serve as the secondary pedestrian streets. Buildings that are setback far from streets with large surface parking lots placed at the front signals to the pedestrian that they are in an automobile-dominated environment that does not cater to pedestrian mobility and safety. To create an interesting and varied street environment, staff continues to recommend the applicant revise the submitted proffers and Design Guidelines to include the following:

- Prohibiting principal entrances from facing a parking structure or surface parking;
- A minimum of 80% of all block frontages along Roads 2, 6, 8, and 9 will be lined with buildings. Open spaces such as plazas, courtyards, public greens, and other outdoor gathering spaces will be excluded from the calculation; and
- Retail and commercial service uses will be oriented so that they are not visible from Route 28, Pacific Boulevard, and Gloucester Parkway.

Streets - Staff maintains that the primary pedestrian corridors for the development are Roads 2, 6, 8, and 9. The development of the streetscape along these roads is important in order to traffic and provide a pedestrian-friendly environment. In the third referral, staff recommended committing to no curb cuts along these streets except for the provision of hotel entrances, if applicable. Staff continues to recommend committing to no curb cuts along Roads 2, 6, 8, and 9, except for the provision of hotel entrances, if applicable. Staff recommends the applicant commit to streetscape requirements along Roads 2, 6, 8, and 9 that contain no curb cuts, except for the provision of hotel entrances, if applicable. Staff recommends the applicant incorporate a more pedestrian-friendly ROW design for Roads 1 and 2 incorporating breaks in the median with pedestrian crossings.

Staff continues to recommend revising the Concept Plan, aligning Roads 8 and 9 to create a full intersection with Roads 2 and 6. Staff recommends revising the Concept Plan to align Roads 8 and 9 where they intersect with Roads 2 and 6. Staff does not support modifications to the Facilities Standards Manual that would permit the offset of Roads 8 and 9.

Building Heights - The applicant has revised Proffer II, Building Heights to provide the minimum height or stories of buildings adjacent to Route 28 and Pacific

Boulevard. Staff notes that Proffer II provides that buildings with frontage along the west side of, and within 100 feet of Pacific Boulevard within Land Bays B, F, and J with no intervening buildings between such buildings and Route 28, shall be constructed to a minimum of 4 stories or 50 feet. However, staff notes that Proffer VL1 permits buildings in Land Bays B, F, J, and N fronting on Route 28 or Pacific Boulevard to be setback a maximum of 150 feet. To ensure the Route 28 Corridor develops as an employment corridor as envisioned by the Plan, staff recommends removing “and within 100 feet” from Proffer II to ensure that all buildings fronting Pacific Boulevard will be a minimum of 4 stories or 50 feet in height.

Parking - To mitigate the impacts of parking on the development, staff continues to recommend:

- Revising Sheet 17 to show parking area screening adjacent to Roads 8,9,11, and 12.
- the applicant revise the submitted proffers and Design Guidelines to include the following:
- Prohibiting surface parking at full build-out adjacent to Roads 2, 6, 8, and 9
- Shielding parking structures at full build-out with liner buildings along Roads 2 and 6;
- Locating parking to the rear of the buildings they serve, within the interior of blocks, with access from alleys or streets which do not conflict with pedestrian access. The only exception will be for Pacific Boulevard and Route 28; and,
- Prohibiting parking structures at full build-out from locating along blocks where the parking structure is the sole use.

Design Guidelines – The applicant’s design guidelines contain several sections that would not be enforceable. In many cases, this could be resolved by changing “should” to “shall”. Within the Community Planning referral, staff has also identified discrepancies between the Concept Plan and the design guidelines and has provided other recommended revisions.

PROFFER AND CONCEPT PLAN REVISIONS

There are a significant number of plat revisions and suggested proffer changes that need to be completed prior to the Board of Supervisors taking action. Refer to the attached referrals for a complete list.

STAFF RECOMMENDATION

Staff cannot support the application. Current land use policy does not support residential uses within areas planned for Keynote Employment or within this area of the Route 28 Tax District. The land use mix and the proposed amount and scale of retail are inconsistent with Revised General Plan policies. Transportation phasing does not provide the needed transportation connections early enough in the project to mitigate

the impacts of the traffic generated by the use. Several aspects of the site layout and building design are inconsistent with the Revised General Plan policy guidance. The Design Guidelines contain numerous sections that are not enforceable. Additionally, many Concept Plan and the Proffer Statement revisions are needed.

SUGGESTED MOTIONS:

1. I move that the Planning Commission forward ZMAP 2008-0021, Kincora Village Center to the Board of Supervisors with a recommendation of denial based on the following Findings for Denial:

OR,

2. I move that the Planning Commission forward ZMAP 2008-0021, Kincora Village Center to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated January 13, 2010 and based on the following Findings for Approval:

OR,

3. I move an alternate motion.

ATTACHMENTS:

1. Staff Responses to Planning Commission Questions
2. Findings
3. Referrals:
 - a. Community Planning Referral (March 30, 2010)
 - b. Zoning Administration Referral (March 26, 2010)
 - c. Environmental Review Team (March 15, 2010)
 - d. Historic/Archaeology Referral (April 1, 2010)
 - e. Proffer Referral Team (March 3, 2010)
 - f. Construction and Waste Management (March 3, 2010)

STAFF RESPONSES TO PLANNING COMMISSION QUESTIONS

1. Has ERT reviewed the 3 possible Pacific Boulevard alignments?

ERT has reviewed the alignments. While the alignment that would impact the toll house could result in less environmental impacts by grouping new impacts with previous impacts associated with the Route 7 exit ramp, ERT supports preservation of the toll house and prefers the blue or westernmost alignment.

2. Will future widening of Route 7 result in additional encroachments into the Broad Run toll house property?

Since the previous work session, staff has confirmed with VDOT that Route 7 could be widened to 8 lanes without shifting the right-of-way southwestwardly towards the toll house. Any widening would trigger Section 106 review to examine potential impacts that such widening could have upon the toll house, and any expansion to the southwest would likely have an undue impact upon the toll house. Therefore, VDOT provided two likely widening scenarios in which the existing wall adjacent to the toll house would remain in its current location.. (1) In order to construct the additional lanes within the existing right-of-way between the bridges, a design waiver would be needed to reduce the width of the shoulders. Avoidance of the toll house would be justification for narrower shoulders. (2) Without a design waiver, 8 lanes plus full-width shoulders could be achieved by reconstructing the north side of the bridge.

5. Could the site support more office?

The site could support more office. The zoning district allows for an FAR of up to 1.0. The maximum height advertised for the Planning Commission public hearing was 160 feet. The Office of the County Attorney advises that as long as it has been publicly heard at the Planning Commission and not yet advertised for the Board of Supervisors, increased building heights and floor area could be reflected in the Board ad.

6. Provide an overview of the Kincora Special Exception (SPEX 2008-0054)?

The special exception requested approval of a 75,000 square foot recreational facility for use by a professional minor league baseball team, 901,211 square feet of office uses in 8 buildings, and 74,000 square feet of auxiliary uses, such as restaurants, personal services, and banks. The special exception area is an approximately 60.27-acre portion of a larger 314-acre parcel that is the subject of this rezoning application. A recreational facility is a special exception use within the PD-IP (Planned Development – Industrial Park) zoning district under the 1972 Zoning Ordinance and does not require a Planning Commission recommendation. The table below describes to two proposed development phases.

Table 1.
Kincora Special Exception Land Use and Phasing

Phase	Recreational Facility Floor Area	Office Floor Area	Auxiliary Floor Area	Total Building Floor Area
Phase 1 2011	75,000 sf (5,500 fixed seats/ 10,500 capacity)	300,000 sf (4 buildings)	50,000 sf	425,000 sf
Phase 2 2015	0	601,211 sf (4 buildings)	24,000 sf	626,211sf
TOTAL	75,000 sf (5,500 fixed seats/ 10,500 capacity)	901,211 sf (8 buildings)	74,000 sf	1,051,211sf

7. How does the proposed land use mix compare with other mixed use developments?

The table below provides a comparison of the proposed application's land use mix with other approved developments within Loudoun County. Staff notes that Dulles Town Center was reviewed under the Urban Center Policies, Loudoun Station and Moorefield Station under the Transit Oriented Development policies, and One Loudoun and Lansdowne Village Greens under the Town Center policies.

Table 2.
Land Use Mix Comparison

	One Loudoun	Lansdowne Village Greens	Dulles Town Center	Loudoun Station	Kincora
office	1.3 mil sf	1.2 mil sf	2.5 mil. sf	1.7 mil. sf	2.8 mil. sf
commercial retail service (includes hotel)	702,000 sf	782,700 sf	810,000 sf	1.8 mil. sf	873,825 sf
residential	1,040 (265 sfd, 329 sfa, 446 mf)	971 (1,242 sfd, 920 sfa, 3,461 mf)	1,230 mf	1,700 mf	1,400 mf

In association with the Route 28 Comprehensive Plan Amendment, staff is currently preparing information on the land use mix of mixed-use developments outside of Loudoun County. If that information is completed prior to the April 7, 2010 work session, staff will make it available to the Planning Commission to assist in evaluating this application.

8. Compare suburban and urban densities?

The Revised General Plan identifies different densities within the Suburban Policy Area. Areas planned for residential uses are permitted to develop with densities up to 4 dwelling units per acre. Densities between 8 and 24 dwelling units per acre are permitted in mixed-use areas of the Dulles Greenway corridor and in the Urban Center. Other mixed-use Business developments and Town Center developments are permitted at densities between 8 and 16 dwelling units per acre. The development of a Transit-Oriented Development is permitted at densities up to 50 dwelling units per acre.

9. How many ADUs does the County have?

As of December 2009:
Ownership (# built): 1,564 ADUs
Rental (# built): 309 ADUs

Additionally, approximately 2,000 ADUs are approved in the pipeline (unbuilt). All rental ADUs are multifamily. The ownership or units for purchase are typically single-family attached. The County also has 8 single-family detached units and 7 duplexes. Condos are also available for purchase and are typically multifamily (apartment style) (although the County does have two over two and two over one configurations).

10. What counts as open space?

Per Revised General Plan policy, a maximum of 50% of the required open space (16.83 acres) may be satisfied by River and Stream Corridor Resources and no more than 25% of the open space requirement (8.42 acres) may be considered "leftover spaces" (i.e., required buffer areas, parking, and street landscaping, etc.). For the Kincora development the remaining 25% of the required open space (8.42 acres) should be interior open space.

11. What does a Keynote Employment development under the existing policies look like?

Below are three examples of existing Keynote Employment Centers in Loudoun County.



Orbital Sciences Campus



AOL Corporate Campus



Verizon Campus

FINDINGS FOR DENIAL

1. The proposal is not consistent with the intent, recommended land use mix and economic strategy for Keynote Employment Centers, as defined in the Revised General Plan.
2. The Revised General Plan does not support residential uses within Keynote Employment areas or within this area of the Route 28 Highway Improvement Tax District.
3. The subject site is not located within any of the three locations specified within the Route 28 Tax District where residential development is permitted nor is the site designated for high-density residential uses.
4. Notwithstanding the County's option to allow residential development to "buy out" of the Route 28 Highway Improvement District, any further increase in residential development reduces the viability of the Route 28 Tax District to fund future roadway improvements.
5. The Revised General Plan does not support free-standing retail uses on the subject property. There are no design controls to ensure that such uses would function and appear as part of a pedestrian-oriented mixed-use development.
6. Without a Community Development Authority to finance transportation improvements, the proffered phasing does not occur early enough in the project to mitigate the impacts of the proposed development.
7. Land Bays N and Q are disconnected from the rest of the project and do not meet the intent of the PD-MUB (Planned Development – Mixed Use Business) district, as set forth in the Revised 1993 Zoning Ordinance.
8. Proffered phasing of uses is inconsistent with the Revised General Plan.
9. The proffered phasing of uses does not comply with Section 4-1355(1) of the Revised 1993 Zoning Ordinance.

County of Loudoun
Department of Planning
MEMORANDUM

DATE: March 30, 2010

TO: Judi Birkitt, Project Manager
Land Use Review

FROM: Marie Genovese, AICP, Planner
Community Planning

SUBJECT: ZMAP 2008-0021, Kincora Village Center – Fourth Referral

The applicant has responded to Community Planning's third referral dated November 24, 2009. The Planning Commission held a public hearing on the rezoning application on October 15, 2009 and worksessions on January 14, 2010, February 4, 2010, and March 10, 2010. Prior to the February 4th worksession, staff received the response to third referral comments. Several issues remain outstanding, including the primary issue pertaining to inconsistency with the designated planned land use. Staff has included a bulleted list of outstanding issues to facilitate the review of the application. A more detailed discussion of the outstanding issues follows. This referral should be considered an addendum to the third referral.

SUMMARY OF OUTSTANDING ISSUES

For a more detailed discussion of outstanding issues please refer to pages 9-31.

- Residential land uses are not permitted in Keynote Employment areas or within this area of the Route 28 Tax District
- If the PC wishes to proceed with the application as proposed, recommend Regional Office Land Use Mix for the north and Keynote Employment Land Use Mix for the south (See page 10, Table 2 and page 12, Table 4)
- Residential uses should be reduced to a maximum of 720 units. Retail uses should be reduced to a maximum of 170,810 square feet (5% of residential and office uses proposed) and a maximum of one full service hotel.
- Phasing needs to be revised to ensure that office is the predominant use in each phase. Of the 3.7 million square feet of office uses proposed as part of this application and the approved SPEX, staff has no assurance that more than 800,000 square feet of office uses will be developed (See page 18, Table 5). Staff recommends revising phasing of the development consistent with Table 6 on page 19 to ensure a balance of uses in each phase with office as the predominant uses.

- Commit to higher intensity office uses fronting Pacific Boulevard in the early phases of the development to ensure that office uses are not only the predominant use on the site, but also the predominant feature when viewed from periphery roads.
- Concerns with regards to development phasing and transportation phasing (if developed without a CDA). As stated above, there are no commitments beyond the minimum 800,000 square feet of office (see page 18, Table 5). The project may develop all but 20 hotel rooms, all but 331 residential dwelling units, and the entire 398,825 square feet of retail uses before the Pacific Boulevard connection across Broad Run is required in Transportation Phase 2B. All of the hotel rooms, residential dwelling units, and retail uses may be developed prior to any construction or dedication of right-of-way for Gloucester Parkway.
- Proffer IB2 provides that at least 200,000 square feet of the 398,825 square feet of commercial retail and service uses will be employment supportive and provides examples of such uses. One such example is retail sales establishments that are located on the first floor of a multi-story office or residential building. Staff notes the applicant has reduced the maximum size of retail uses to 60,000 square feet for a grocery store, health and fitness center, and specialty retail sales establishment offering merchandise and programs related primarily to outdoor recreational uses and activities and 30,000 square feet for all other uses. As stated in previous referrals, individual stores larger than 50,000 square feet are intended to locate in Destination Retail Centers. In addition, the 30,000 square foot limitation for all other retail uses is inconsistent with the Plan as commercial retail and service uses within a mixed-use development should be small scale, pedestrian-oriented uses. Large scale retail uses serve a regional market, relying almost solely on automobile access which is not consistent with a pedestrian-oriented mixed-use development. Recommend revising Proffer IB2 to state that no less than half of the proposed non-hotel commercial retail uses will be located within mixed-use buildings containing two or more uses.
- Revise Proffers and the Design Guidelines committing to design controls that ensure any free standing retail use functions appropriately as part of a pedestrian-oriented mixed-use development (i.e. multi-story building, multiple façade treatments giving the appearance of smaller scale retail uses, etc.)
- Revise proffers prohibiting hotel uses to be located adjacent to Pacific Boulevard
- Include a market study to assess whether or not the proposed retail and hotel uses are financially able to support themselves and not depend upon a population already served by existing and proposed developments.
- Civic space should be 5% of the total land area rather than total floor area
- Relocate civic space to the terminus of Road 6 within Land Bay D creating a focal point for the development
- No guarantee as to the types of civic space provided beyond the proffered plaza areas and public use site. No commitments to amenities within proffered plaza areas. No information as to the types of amenities within the plaza area adjacent to Land Bay D and within Land Bay F. Recommend revising Proffers IB5 and IH to include minimum types of amenities provided.
- Appears that areas labeled as civic space on the Civic Space Exhibit (Sheets 32 and 33) would not meet the Plan's intent for civic space (appears that parking lot islands are being

counted and the area north of Road 10 labeled as surface parking on the Concept Plan). Furthermore, the Civic Space Exhibit depicts an 81,000 square foot central plaza; however, Proffer IH only commits to a 10,000 square foot plaza.

- Revise Sheets 32 and 33 to accurately show civic space consistent with the Plan.
- Revise Proffer IH to state that the plaza within Land Bay J will be provided prior to or concurrent with the issuance of an occupancy permit for either the 401st residential dwelling unit, inclusive of the "ADU-Equivalent" Units and the Unmet Housing Needs Units or the 325,001st square foot of non-residential uses.
- Revise Proffer IB6 to state "A minimum of 10% of the land area of the property shall be devoted to parks and/or open space; no more than 50% of which shall be located within the River and Stream Corridor Resource and no more than 25% of which shall be located within required buffers or "leftover spaces".
- Revise Proffer VL2 to state "Each building containing residential uses shall be located within 300 feet of an active open space area at least 2,500 square feet in size".
- Revise Sheets 34 and 35 to show open space consistent with Plan policies.
- Proffers should include timing commitments for active open space
- Need to have triggers associated with all design proffers. Recommend adding that the proffered design elements under Proffer V will be demonstrated at the time of site plan.
- Curb cuts break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented uses. For these reasons, staff continues to recommend committing to no curb cuts along Roads 2, 6, 8, and 9, except for the provision of hotel entrances, if applicable.
- Staff notes that an additional travel lane in one direction has been added to Roads 1 and 2 since the last referral. The design of these roadways should take into account pedestrian crossings.
- Staff continues to recommend revising the Concept Plan, aligning Roads 8 and 9 to create a full intersection with Roads 2 and 6.
- To create an interesting and varied street environment, staff continues to recommend the applicant revise the submitted proffers and Design Guidelines to include the following:
 - Prohibiting principal entrances from facing a parking structure or surface parking;
 - A minimum of 80% of all block frontages along Roads 2, 6, 8, and 9 will be lined with buildings. Open spaces such as plazas, courtyards, public greens, and other outdoor gathering spaces will be excluded from the calculation; and
 - Retail and commercial service uses will be oriented so that they are not visible from Route 28, Pacific Boulevard, and Gloucester Parkway.
- Staff notes that Proffer II provides that buildings with frontage along the west side of, and within 100 feet of Pacific Boulevard within Land Bays B, F, and J with no intervening buildings between such buildings and Route 28, shall be constructed to a minimum of 4 stories or 50 feet. However, staff notes that Proffer VL1 permits buildings in Land Bays B, F, J, and N fronting on Route 28 or Pacific Boulevard to be setback a maximum of 150 feet. Recommend removing "and within 100 feet" from Proffer II. Architectural Massing Standard #7 in the Design Guidelines should also be amended to state "Buildings in Land Bays B, F, J, and Q, with no intervening buildings between such buildings and Pacific Boulevard or Route 28 shall be constructed to a minimum of four stories or 50 feet in height."
- Parking area screening is not shown for Roads 8, 9, 11, and 12.

- To mitigate the impacts of parking on the development, staff continues to recommend the applicant revise the submitted proffers and Design Guidelines to include the following:
 - Prohibiting surface parking at full build-out adjacent to Roads 2, 6, 8, and 9;
 - Shielding parking structures at full build-out with liner buildings along Roads 2 and 6;
 - Locating parking to the rear of the buildings they serve, within the interior of blocks, with access from alleys or streets which do not conflict with pedestrian access. The only exception will be for Pacific Boulevard and Route 28; and,
 - Prohibiting parking structures at full build-out from locating along blocks where the parking structure is the sole use.
- Typical Roadway Sections on page 10 of the Design Guidelines and Sheet 18A of the Concept Plan show Typical Sections for Route 28 and Pacific Boulevard for Land Bays N and Q with more than one row of parking and more than one travel lane adjacent to Route 28 and Pacific Boulevard inconsistent with Proffer VL1
- Remove FSM and LSDO waivers from proffers and Sheet 14 of the Concept Plan
- Additional Design Guidelines revisions beyond what is discussed above:
 - Streets and Block Standards, pg. 5: "For blocks greater than 400' in length a mid-block feature for the purposes of dividing the length of the block ~~should~~ will be provided"
 - IVC. On-street parking, pg. 6: Remove the second sentence. This will require an FSM waiver.
 - IVD. Shared parking facilities, pg. 6: #3 should be feasible
 - Streetscape Standards, pg. 11: #1 Revise to state that all streetscapes will provide
 - Streetscape Standards, pg. 13: #7d and #7f refer to streetscape elements (street furniture zone and passenger transition zone) that have been removed from the Design Guidelines
 - Streetscape Standards, pg. 14: #8 Change should to will and remove typically
 - Streetscape Standards, pg. 14: #10 and #12 Change should to shall
 - Streetscape Standards, pg. 14: #13 Add "such as at parks and plazas" at the end of this standard
 - Pedestrian Ways Standards, pg. 16: #3 Change should to shall
 - Pedestrian Ways Standards, pg. 16: #4 Add "Except for trails located within the River and Stream Corridor Resource which shall consist of a permeable material only"
 - Pedestrian Ways Standards, pg. 16: #5 Change the last sentence to read "Pedestrian scale lighting will be provided sufficient to illuminate the walkway and seating areas"
 - Outdoor Plazas Standards, pg. 18: #4 Currently there is not a plaza located within Land Bay D
 - Outdoor Lighting Standards, pg. 20: Add #8 "Light intensity will only be for its intended purpose"
 - Outdoor Furniture Standards, pg. 23: #4 Change should to shall for "Seating areas ~~should~~ shall not obstruct building entrances nor restrict clear movement zones."

- Outdoor Furniture Standards, pg. 23: #6 Change should to shall for "Bicycle racks ~~should~~ shall not obstruct building entrances nor restrict clear movement zones."
- Outdoor Dining and Sidewalk Cafes Standards, pg. 26: #6 Add "are" to the last sentence to read "Paint, grass, artificial turf, carpet, platforms, and any interior finish materials or treatments are not allowed."
- Utility Service Standards, pg. 27: Remove #4 telecommunication facilities are permitted in the PD-MUB Zoning District by SPEX.
- Façade Treatment Standards, pg. 35: #7 Change "should be" to "are" to read "Long, flat façades ~~should be~~ are discouraged."
- Storefronts and Grade Level Spaces Standards, pg. 39: #6 Change "should" to "will"
- Residential Buildings and Frontages Statement of Intent, pg. 39: #1 Change to read "Residential uses are encouraged in Kincora Land Bays A, C, D, E, and portions of F."
- Fencing and Railings (And Temporary Barricades) Standards, pg. 45: #3 In the last sentence change "color of colors" to "color or colors"
- Loading and Trash Collection Areas Statement of Intent, pg. 45: #2 Change "should" to "shall" in the last sentence to read "At a minimum, landscape shielding ~~should~~ shall conceal service areas from roadways and residential uses..."
- Loading and Trash Collection Areas Standards, pg. 46: #1b Change the last sentence to read "Service area frontage along Roads 2, 6, 8, and 9 ~~should be~~ is prohibited, ~~unless appropriately shielded.~~"
- Tree and Planting Recommendations Standards, pg. 49: #8 In the second sentence change "trees" to "tree pits"
- Park Landscaping, pg. 51: Staff notes that the Narrative discusses more than just landscaping of parks, plazas, and squares. Staff also notes that there are no standards associated with park landscaping.
- Planters Standards, pg. 52: #1 Change "should" to "shall"
- Planters Standards, pg. 53: #2 refers to the street furniture zone; however, this streetscape element is no longer included in the Design Guidelines
- Planters Standards, pg. 53: #5 Add "Planters shall complement the building façade they adjoin in both color and finish materials"
- Signage Design Standards: Recommend removing as signage will have to be consistent with the Zoning Ordinance
- The Concept Plan should be revised to show Land Bays N and Q outside of the river and stream corridor resource.
- Revise the 1,400 foot and 700 foot rookery radius to accommodate the additional heron nests
- Revise Proffer IIA to state construction activities that will result in excessive disturbance (e.g., clearing, grading, external construction) will not occur within the 1,400 foot rookery radius during the heron nesting season from February 15th to June 30th each year.
- Revise Proffer IID to include minimum acreage requirements for each restoration activity on

the Broad Run Restoration Concept Plan.

- Revise Proffer IIF to state that the applicant shall preserve a minimum of 80% of the existing tree canopy within areas labeled as Tree Preservation Outside Riparian Forest Preservation on Sheets 22 and 23 so as not to confuse with areas labeled as Riparian Forest Preservation which should be preserved in its entirety.
- Revise Proffer IIH to state "the Owner shall demonstrate compliance with the aforementioned acoustical analysis with the goal of mitigating noise levels that approach or exceed the Noise Abatement Criteria identified in the Countywide Transportation Plan for noise sensitive uses on the Property".
- Since the County does not define workforce housing, staff recommends removing this reference from the proffers
- Recommend revising the proffers stating that the affordable dwelling units shall be administered consistent with Article 7 of the Zoning Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance.
- Recommend committing to a certain portion of the residential dwelling units to serve individuals with incomes below 30% of the AMI.
- A rental unit up to 100% of the Washington Metropolitan AMI is comparable to a market rate rental unit (approximately \$2500 per month) and would not address the County's unmet housing needs. Staff recommends the applicant revise the proffers stating that any Unmet Housing Need Unit provided as a rental unit will be provided for rental households whose income is less than 60% and for-sale condo units for households earning up to 100% of the Washington Metropolitan AMI. The applicant should also provide commitments to a variety of unit types, including sizes and number of bedrooms to accommodate various needs within the County.
- Recommend revising the proffers calling for the interspersation of the "ADU-Equivalent Units" and the Unmet Housing Needs Units throughout the development.
- Recommend revising Proffer ID to state that the affordability requirement for all "ADU-Equivalent Units" and the Unmet Housing Needs Units shall be a minimum of 20 years for rental units and a minimum of 15 years for for-sale condo units.
- Staff requests information regarding the administration of the "ADU-Equivalent Units" and the Unmet Housing Need Units subject to a federal and state affordable housing program.
- As neither the "ADU-Equivalent Units" nor the Unmet Housing Need Units are consistent with Article 7 and Chapter 1450 of the Codified Ordinance there will be administrative costs associated with administering the units as defined in the proffers (Proffer ID). Staff recommends updating the proffers to include a monetary contribution to be used by the County to administer the "ADU-Equivalent Units" and the Unmet Housing Need Units.
- The applicant has revised the proffers to include conveyance of three acres within Land Bay E to the Windy Hill Foundation (Proffer IE). The applicant shall convey the three acres to the Windy Hill Foundation through a separate, private agreement between the Owner and the Windy Hill Foundation. Since this is a private agreement between the applicant and a third party with no County involvement, staff recommends removing this from the proffers.
- Recommend revising Proffer VM committing to the incorporation of universal design for a certain percentage of the residential units.

- The capital facility impact of the proposed development is \$33,261,200. The applicant has included a Draft Capital Facilities Contribution sheet dated January 4, 2010 with this submission. All 1400 residential dwelling units should be included in the capital facility calculation as there are no affordable dwelling units that meet Article 7 of the Zoning Ordinance. Staff notes that some of the facilities included on this sheet for capital facility credit are not consistent with the County standards (i.e., Broad Run Floodplain and Broad Run Toll House Preservation Activities) and therefore cannot be counted towards mitigating the capital facility impacts associated with the proposed project. Furthermore, staff notes that Proffer IB4 has been amended to state that residential uses on the subject property may be developed on the property by-right or by a future approved special exception. As single-family attached units are permitted within the PD-MUB Zoning District by SPEX, staff has concerns that the impacts may be higher than calculated. In addition, since this is an area where residential uses are not anticipated, the capital facility impacts may be higher than what has been calculated. Staff recommends the impacts of the proposed development be mitigated. Staff recommends revising Proffer IIB4 removing any reference to residential uses by a future special exception.
- Staff recommends removing the Broad Run Floodplain dedication and the Broad Run Toll House Preservation Activities from the capital facility credit.
- If the Broad Run Floodplain dedication is not used towards meeting the open space preservation program, staff recommends the applicant contribute land or provide an open space easement contribution (See Attachments 2 and 3 for calculation).
- Proffer IA provides "the Owner shall have reasonable flexibility to modify the location of uses and layout shown on the Concept Plan to accommodate final engineering and development ordinance requirements, provided such changes are: (i) in substantial conformity with the approved Concept Plan and Proffers; (ii) do not increase total permitted square footage; and (iii) do not decrease the minimum amount of open space or peripheral setbacks shown to be provided on the property." As substantial conformance is defined in the Zoning Ordinance and the Concept Plan only depicts land bays and roadways with specific commitments to the uses within each land bay, staff recommends removing this statement.
- Proffer IA provides that building locations and footprints and associated parking areas and structures identified on the Concept Plan are for illustrative purposes and are subject to change by the Owner. Staff recommends removing this statement as the proffers state that Sheets 8-12 of the Concept Plan illustrate the layout proposed for the development of the Property and indicate development limitations on the Property. As building locations and footprints and associated parking are shown on the Illustrative Layout Plan (Sheets 29 and 30), which is for illustrative purposes only, staff recommends removing this statement from the proffers.
- Proffer IVB should be revised to state "Dedication of River and Stream Corridor Resources and Trails". Staff recommends revising the first sentence to state the Owner shall dedicate to the County the approximately 162.11 acre river and stream corridor resources of the Broad Run. Staff notes that floodplain extends east of Pacific Boulevard in Land Bays N and Q.

Concept Plan Revisions:

- Areas on both sides of Land Bay D are labeled for employment and retail uses (Sheet 11 and 12), but are not assigned to a specific land bay.
- Proffer IG2 provides that if an application for a performing arts center has not been filed within 10 years of the rezoning approval, the two-acre performing arts center site proposed within Land Bay J may be relocated to a two-acre site within the northern portion of the property. There is no indication where this two-acre site would be located and how the relocation of the two-acre site would impact the land bay square footages provided on Sheet 13.
- Remove Note 13 from the Cover Sheet as building footprints and locations, architectural designs and building elevations are for shown for illustrative purposes only.
- Revise Note 23 on the Cover Sheet removing open space as Note 26 provides that open space will be provided in accordance with the Zoning Ordinance and the Revised General Plan.

OUTSTANDING ISSUES

LAND USE

Residential uses are specifically precluded within areas planned for Keynote Employment uses (*Revised General Plan, Chapter 6, Keynote Employment Centers Text*). Furthermore, the subject property is also located within the Route 28 Highway Improvement Tax District, which limits residential development to three specific locations as well as areas designated as high density residential on the Planned Land Use Map (*Revised General Plan, Chapter 6, General Residential Policy 3*). The subject site is not located in an area within the Route 28 Tax District where residential uses are permitted.

Until such time as the Board of Supervisors changes policies regarding such uses within Keynote Employment areas, staff can only support an application that meets current policies.

The proposed residential land uses are not consistent with the Keynote Employment policies of the Plan. Staff recommends the applicant remove residential land uses from the proposal. Until the Board of Supervisors provides a different vision for this area, staff can only support Destination Retail or Keynote Employment uses on the subject property.

LAND USE MIX – The anticipated Keynote Employment land use mix for the subject property is shown in Table 1 below. The estimated floor area is based on a 0.4 floor area ratio (FAR).

Table 1: Keynote Employment Land Use Mix

Keynote Employment Land Use Categories	Minimum Required – Maximum Permitted ¹	Equivalent Land Area ²	Estimated Floor Area ³	Proposed
High Density Residential	0%	0%	0%	1400 dwelling units
Regional Office	70% - 85%	236 acres – 286 acres	4.1 mil. sq. ft. – 4.9 mil. sq. ft.	2.8 mil. sq. ft.
Commercial Retail & Services ⁴	0% - 10%	0 – 34 acres	205,303 sq. ft. – 249,296 sq. ft.	873,825 sq. ft.
Public & Civic ⁵	5% - no maximum	16.8 acres	16.8 acres	277,000 sq. ft.
Public Parks & Open Space ⁶	10% - no maximum	33.7 acres	33.7 acres	33.7 acres

¹ As a percentage of total land area

² Based on 336.64 acres

³ Based on 0.4 FAR

⁴ Retail Plan limits retail to 5% total non-residential floor area (205,303 square feet – 249,296 square feet)

A14

⁵Public & Civic space is calculated based on a percentage of the gross land area (see further civic space discussion below)

⁶Public Parks & Open Space is calculated based on a percentage of the gross land. Total open space provided has been calculated based on Plan policies (i.e. no more than 50% of the required open space can be located within the river and stream corridor resource).

As shown in Table 1 above, the applicant is proposing residential uses in an area where they are not permitted, office uses do not meet the minimum anticipated, and commercial retail and service uses exceed what is permitted by Plan policy.

As stated above, staff cannot support the proposed rezoning; however if this application is considered further it may be appropriate to use the recommended land use mix for Regional Office developments as outlined in Table 2 below for the northern portion of the property since this portion of the Kincora project resembles a mixed-use regional office development and the Keynote Employment land use mix outlined in Table 3 for the southern portion of the property where the application is not proposing a residential component. The proposed residential and retail uses proposed for the northern portion of the site exceed what is permitted in the Plan.

Table 2: Regional Office Land Use Mix – Northern Portion of the Subject Property

Regional Office Land Use Categories	Minimum Required – Maximum Permitted ¹	Equivalent Land Area ²	Estimated Floor Area/Dwelling Units Per Acre ³	Proposed
High Density Residential	15% - 25%	27 acres – 45 acres	432 dus – 720 dus	1400 dwelling units
Regional Office	50% - 70%	90 acres – 126 acres	1.5 mil. sq. ft. – 2.2 mil. sq. ft.	1.9 mil. sq. ft.
Commercial Retail & Services ⁴	0% - 10%	0 – 18 acres	109,771 sq. ft. – 141,134 sq. ft.	844,825 sq. ft.
Light Industrial/Flex	0% - 20%	0 – 36 acres	627,264 sq. ft.	0
Overall Commercial & Light Industrial	0% - 20%	0 – 36 acres		844,825 sq. ft.
Public & Civic ⁵	5% - no maximum	9 acres	9 acres	207,000 sq. ft. (4.75 acres)
Public Parks & Open Space ⁶	10% - no maximum	18 acres	18 acres	18 acres

¹As a percentage of total land area

²Based on 180 acres

³Non-residential uses based on 0.4 FAR, Residential uses based on 16 dwelling units per acre

⁴Retail Plan limits retail to 5% total non-residential floor area (109,771 square feet – 141,134 square feet). Please note that the total amount of retail includes light industrial/flex square footage that taken together cannot exceed 20% of the gross land area; therefore, this number is higher than what could be achieved.

⁵Public & Civic space is calculated based on a percentage of the gross land area (see further civic space discussion below)

⁶Public Parks & Open Space is calculated based on a percentage of the gross land. Total open space

A15

provided has been calculated based on Plan policies (i.e. no more than 50% of the required open space can be located within the river and stream corridor resource).

The applicant proposes that the northern portion of the site constitutes 205 acres. The issue is the amount of floodplain that is used for calculating the land use mix. Staff has calculated the amount of land area at approximately the halfway point of the conservation area, between the northern and southern areas of the special exception application (SPEX 2008-0054) (Sheet 10) while the applicant has calculated the northern portion of the site north of Land Bay N. The area north of Land Bay N within the approved special exception area (SPEX 2008-0054) is proposed for office use more closely related to Keynote Employment. The land use mix per the applicant's calculations is provided below in Table 3.

Table 3: Regional Office Land Use Mix – Northern Portion of the Subject Property per Applicant's Calculations

Regional Office Land Use Categories	Minimum Required – Maximum Permitted ¹	Equivalent Land Area ²	Estimated Floor Area/Dwelling Units Per Acre ³	Proposed
High Density Residential	15% - 25%	31 acres – 51 acres	492 dus – 820 dus	1400 dwelling units
Regional Office	50% - 70%	103 acres – 144 acres	1.7 mil. sq. ft. – 2.5 mil. sq. ft.	1.9 mil. sq. ft.
Commercial Retail & Services ⁴	0% - 10%	0 – 21 acres	125,017 sq. ft. – 160,736 sq. ft.	844,825 sq. ft.
Light Industrial/Flex	0% - 20%	0 – 41 acres	714,384 sq. ft.	0
Overall Commercial & Light Industrial	0% - 20%	0 – 36 acres		844,825 sq. ft.
Public & Civic ⁵	5% - no maximum	10.3 acres	10.25 acres	207,000 sq. ft. (4.75 acres)
Public Parks & Open Space ⁶	10% - no maximum	20.5 acres	20.5 acres	20.5 acres

¹ As a percentage of total land area

² Based on 205 acres

³ Non-residential uses based on 0.4 FAR, Residential uses based on 16 dwelling units per acre

⁴ Retail Plan limits retail to 5% total non-residential floor area (125,017 square feet – 160,736 square feet). Please note that the total amount of retail includes light industrial/flex square footage that taken together cannot exceed 20% of the gross land area; therefore, this number is higher than what could be achieved.

⁵ Public & Civic space is calculated based on a percentage of the gross land area (see further civic space discussion below)

⁶ Public Parks & Open Space is calculated based on a percentage of the gross land. Total open space provided has been calculated based on Plan policies (i.e. no more than 50% of the required open space can be located within the river and stream corridor resource).

Staff recommends updating the submitted plats and proffers reducing the amount of residential to a maximum of 720 dwelling units and reducing the amount of

commercial retail and service uses (see further discussion regarding reducing the number of hotels to one below). If the applicant's demarcation between the northern and the southern portions of the site is used, staff recommends reducing the amount of residential to a maximum of 820 dwelling units.

Table 4: Keynote Employment Land Use Mix – Southern Portion of the Subject Property

Keynote Employment Land Use Categories	Minimum Required – Maximum Permitted ¹	Equivalent Land Area ²	Estimated Floor Area ³	Proposed
Regional Office	70% - 85%	108.5 acres – 131.8 acres	1.9 mil. sq. ft. – 2.3 mil. sq. ft.	950,000 sq. ft.
Commercial Retail & Services ⁴	0% - 10%	0 – 34 acres	94,525 sq. ft. – 114,781 sq. ft.	29,000 sq. ft.
Public & Civic ⁵	5% - no maximum	7.75 acres	7.75 acres	70,000 sq. ft. (1.61 acres)
Public Parks & Open Space ⁶	10% - no maximum	15.5 acres	15.5 acres	15.5 acres

¹As a percentage of total land area

²Based on 155 acres

³Based on 0.4 FAR

⁴Retail Plan limits retail to 5% total non-residential floor area (94,525 square feet – 114,781 square feet)

⁵Public & Civic space is calculated based on a percentage of the gross land area (see further civic space discussion below)

⁶Public Parks & Open Space is calculated based on a percentage of the gross land. Total open space provided has been calculated based on Plan policies (i.e. no more than 50% of the required open space can be located within the river and stream corridor resource).

Although the amount of office uses proposed in the southern portion of the subject property is less than what the Plan would anticipate, staff finds that the amount proposed is reasonable given the amount of floodplain.

Retail – Commercial retail and service uses are limited to either 10% of the gross land area (Revised General Plan) or 5% of the gross floor area (measured in square feet) of the non-residential uses in the development (Retail Plan), whichever is less. Based on the floor area of the office proposed in the northern portion of the subject property, 1,872,200 square feet, the applicant is limited to 93,610 square feet of employment supportive retail uses. The applicant is proposing 873,825 square feet of commercial retail and service uses, which includes two hotels. This represents approximately 31% of the gross floor area of the proposed office land uses. Permitting additional commercial retail and service uses to serve the residential uses (if permitted) may be reasonable. However, 5% of the office and residential square footage would only result in 218,310 square feet of commercial retail and service uses.

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Staff recommends the applicant reduce the amount of non-hotel commercial retail and service uses to a maximum of 218,310 square feet and the number of hotels to no more than one (see further discussion regarding hotel uses below).

Staff notes Proffer IB2 provides that at least 200,000 square feet of the 398,825 square feet of commercial retail and service uses will be employment supportive and provides examples of such uses. One such example is retail sales establishments that are located on the first floor of a multi-story office or residential building. The applicant has reduced the maximum size for retail uses to 60,000 square feet for a grocery store, health and fitness center, and specialty retail sales establishment offering merchandise and programs related primarily to outdoor recreational uses and activities and 30,000 square feet for all other uses. As stated in previous referrals, individual stores larger than 50,000 square feet are intended to locate in Destination Retail Centers. In addition, the 30,000 square foot limitation for all other retail uses is inconsistent with the Plan as commercial retail and service uses within a mixed-use development should be small scale, pedestrian-oriented uses. Large scale retail uses serve a regional market, relying almost solely on automobile access which is not consistent with a pedestrian-oriented mixed-use development.

Staff continues to have concerns regarding the amount and scale of retail uses proposed. There is no guarantee that any retail use on the subject property will be less than 30,000 square feet. As currently proposed there is no assurance that the site will develop with the small scale retail uses envisioned for a pedestrian-oriented mixed-use development.

Staff recommends the applicant revise Proffer IB2 stating that no less than half of the proposed non-hotel commercial retail uses will be located within mixed-use buildings containing two or more different uses. Staff also recommends revising the Proffer Statement and Design Guidelines committing to design controls that ensure any free standing retail uses function appropriately as part of a pedestrian-oriented mixed-use development (i.e., multi-story building, multiple façade treatments giving the appearance of smaller scale retail uses, etc.).

Hotel – The submitted proffers (IB3) provide that up to 2 hotels will be located on the subject site not to exceed a total of either 475,000 square feet or 570 rooms and that at least one of the hotels shall be a “full service hotel” including a range of services and amenities, including a minimum 3,500 square foot sit-down restaurant, room service, concierge services, and a minimum of 3,500 square feet of meeting rooms. The Concept Plan displays two separate locations in the northern portion of the subject property adjacent to Route 28 for potential hotel uses. While the applicant has reduced the number of proposed hotels, staff continues to question the need for more than one hotel use on the subject site given the amount of hotels located along the Route 28 Corridor as well as the number of hotels that are approved but unbuilt at this time. Many of the existing hotels within the Route 28 Corridor are select service or limited

service hotels (hotels without food and beverage service and with few or no amenities such as meeting facilities, pool, fitness center, business center, etc.). The Lodging Market Data Book provided to the Loudoun Convention and Visitors Association (LCVA) by Smith Travel Research (STR)¹, indicates a 29% increase in room supply over the last five years². While STR reports that hospitality services within Loudoun County continue to sustain an acceptable rate of occupancy in light of the increase in room supply and rising transportation costs throughout the region, a surplus of room supply, especially within a particular hotel segment, can negatively impact room revenue. An additional select service or limited service hotel on the subject property would expand an already large market within the Route 28 Corridor. Staff does not support locating hotel uses adjacent to Route 28 in an area where office uses should be located.

Staff recommends limiting the number of hotels to one and that no hotel will be located along Pacific Boulevard.

Market Study – The Retail Plan states that all applications for commercial retail rezonings must include a statement describing the catchment or market area to be served as well as a statement of justification that contains an analysis of existing and proposed competing projects (*Retail Plan, General Retail Policy 4*). The intent of this policy is to ensure that proposed retail uses are viable in the long-term and do not lead to an oversaturation of the market and an excess of total retail floor space in relation to the population served. Staff continues to have concerns regarding the number of hotels proposed given the number of developed and approved hotels within the Route 28 Corridor as well as the amount and scale of proposed retail uses. A market study would be useful to help identify to what extent retail development will be feasible in this project over time, including the proposed hotel use(s). The analysis should include an assessment demonstrating what impacts, if any, the proposed retail and commercial service floor space will have on existing and approved developments within the market area. The response to staff's comments provides that a market summary and fiscal impact analysis will be provided under separate cover. To date staff has not received this information.

Staff continues to request a market study be submitted to assess whether or not the proposed retail uses and hotel uses are financially able to support themselves and not depend upon a population already served by existing and proposed developments.

Civic Space

Civic space includes community centers, small churches, fire and rescue facilities, schools, non-profit day care centers, plazas, public art, and entrance features (*Revised General Plan, Chapter 6, Open Space Policy 2 & Glossary*). The submitted proffers provide that a minimum of 5% of the total floor area to be constructed on the property

¹ Smith Travel Research, Standard Historical Trend, Loudoun County, Virginia, January 2006 – April 2008

² Based on census rooms January 2003 and April 2008, Lodging Market Data Book, June 9, 2008.

will be devoted to public/civic/institutional uses, which would equate to approximately 6 acres³ (Proffer IB5). The land use mix as defined in the Plan however calls for 5% of the total land area or 16.83 acres to consist of civic uses.

The Concept Plan and proffers have been revised to show three 10,000 square foot plaza locations: within land bays F and J and south of Land Bay D (between Road 4 and Road 5) (Proffer IH) and a five-acre public use site (Proffer VIA). While the submitted proffers provide examples of the types of uses that may count towards meeting the public/civic use requirement, there is no guarantee as to the types of civic uses that will be provided beyond the proffered plaza areas (Proffer IH) and the public use site (Proffer VIA). Furthermore, Proffer IH provides examples of the public amenities that may be included in the plaza area located within Land Bay J; however, no commitments have been included as to minimum amenities anticipated or the types of amenities provided in the other two plaza areas. Staff previously recommended the applicant provide civic space within Land Bay D at the terminus of Route 6. Civic space in this location will provide a focal point for the development. While the applicant is showing a minimum 10,000 square foot plaza south of Land Bay D, this location will not provide a focal point for the development.

The applicant has provided a Civic Space Exhibit (Sheets 32 and 33), which shows possible public, civic, and institutional uses totaling 15.06 acres and 81,000 square foot or 1.86 acre central plaza area; however the note on these sheets states that the locations and maximum amounts of civic space are for illustrative purposes only. Staff notes that many of the areas depicted as civic space on the Civic Space Exhibit would not meet the Plan's intent for civic space. For instance, it appears that parking lot islands are being counted towards civic space and the area north of Road 10 labeled as surface parking on the Concept Plan is delineated as civic space on the Civic Space Exhibit. Furthermore, while the Civic Space Exhibit depicts an 81,000 square foot central plaza, Proffer IH only commits to a 10,000 square foot plaza. As currently proposed the civic space component of the land use mix has not been met.

In a meeting with the applicant on March 18, 2010, a map was provided showing a reduced construction envelope for Pacific Boulevard avoiding the Broad Run Toll House and Bridge Ruins. The reduced construction envelope does clip a portion of the parcel but would allow the preservation of the Toll House in its current location. Staff notes that the Broad Run Toll House and Bridge Ruins are listed on the National Register of Historic Places and is designated as a local Historic Site District. Even though the new construction envelope would avoid the resource, the construction of Pacific Boulevard would visually impact the historic landscape associated with the resource. Staff recommends the applicant include the Toll House property as part of the rezoning application. The preservation of this significant County historic resource in its current

³ $5,517,025 \text{ square feet} \times 5\% = 275,851/43,560 = 6.33 \text{ acres}$. Sheet 13 depicts 277,000 square feet of civic space or 6.36 acres.

location could provide a valuable civic space component to the application helping to achieve the land use mix.

Staff recommends revising the proffers to include at least 5% of the total land area, or 16.83 acres as public and civic uses. The proffers should be updated committing to specific civic amenities, including the size and phasing of these uses, located throughout the site to ensure that the residents and employees will be adequately served. Staff recommends the applicant relocate the plaza between Road 4 and Road 5 to an area within Land Bay D at the terminus of Road 6 to provide a focal point for the community. Staff recommends the applicant commit to minimum amenities that will be provided within the three 10,000 square foot plaza areas. Staff recommends revising Sheets 32 and 33 to accurately show civic space consistent with Plan policies. Staff encourages the applicant include the Toll House property as part of the rezoning application as a civic component of the proposed development.

Parks and Open Space

The Plan calls for at least 10 percent (33.66 acres) of the gross land area to be dedicated to parks and open space uses (Revised General Plan, Chapter 6, Regional Office Use Policy 2 & Keynote Employment Center Policy 4). Open space shall consist of a mix of active, passive, and natural as appropriate and be within 1,500 feet of all dwelling units (Revised General Plan, Chapter 6, Open Space Policies 1 & 4). Buffer areas, "leftover spaces", stormwater management facilities (with the exception of wet ponds that are developed with year-round amenities), parking and street landscaping cannot account for more than 25% or 8 acres of the required open space (Revised General Plan, Chapter 6, Open Space Policies 3 and 9). While the river and stream corridor resource may count towards the open space requirement, no more than 50% or 16 acres may be satisfied by this area (Revised General Plan, Chapter 6, Open Space Policy 6).

Proffer IB6 provides that a minimum of 10% of the land area shall be devoted to parks and/or open space and includes a list of potential uses. Other than the provisions in Proffer VL2 no information has been provided regarding the minimum size of open space uses. Proffer VL2 includes the provision of open space amenities of 2,500 square feet within 300 feet of any building containing residential uses, except for tot lots which shall be a minimum of 5,000 square feet. Due to the high concentration of residents proposed as part of the application, it is important to ensure that there is adequate active open space.

Staff notes Proffer IB6 provides that no more than 50% of such parks and/or open space will be located within the River and Stream Corridor Resource and that no more than 25% of the required buffers and "leftover spaces" shall be credited toward the minimum 10% parks and/or open space. The wording as currently proposed is not consistent with Plan policies, no more than 25% of the required open space may be

located within buffers rather than 25% of the required buffers. It does not appear that the proffers have included timing commitments for open space areas located outside of the river and stream corridor resource.

The applicant has included an Open Space Plan (Sheets 34 and 35), which shows natural open space within the river and stream corridor resource, natural open space outside of the river and stream corridor resource, and remaining open space outside of the river and stream corridor resource. The notes on these sheets state that the locations and minimums of open space are for illustrative purposes only. It does not appear that open space has been correctly calculated. The Open Space Plan shows buffer areas counting towards meeting more than 25% of the required open space and no active open space is shown on these sheets.

Staff recommends revising Proffer VL2 to state "Each building containing residential uses shall be located within 300 feet of an active open space area at least 2,500 square feet in size". Staff recommends revising Proffer IB6 to state "A minimum of 10% of the land area of the property shall be devoted to parks and/or open space; no more than 50% of which shall be located within the River and Stream Corridor Resource and no more than 25% of which shall be located within required buffers or "leftover spaces". Staff recommends revising Sheets 34 and 34 to accurately depict open space consistent with the Plan. Lastly, staff recommends revising the proffers to include timing commitments for active open space areas.

PHASING

Policies call for a phasing plan to be included with all mixed-use projects to ensure a build-out relationship between residential and non-residential components of the project (*Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 6*). Office uses should be the predominant use in terms of percentage of the site occupied in all phases of development (*Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines*). The submitted proffers pertaining to linkages between non-residential and residential uses include uses approved as part of SPEX 2008-0054, Kincora Village – Office/Recreational Complex⁴. Table 5 on page 18 summarizes the commitments as proposed with the linkage proffer (Proffer IF).

⁴ SPEX 2008-0054, Kincora Village – Office/Recreational Complex, approved by the Board of Supervisors on July 21, 2009 is permitted to develop up to a 75,000 square foot baseball stadium, 901,211 square feet of office uses, and 74,000 square feet of retail uses.

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Table 5: Proffered Phasing Linking Non-Residential Uses to Residential Development

Use ¹	Phase 1	Phase 2	Phase 3
Office	Minimum 150,000 square feet	Minimum 800,000 square feet	No further linkage limitation on timing of residential uses once occupancy permits have been issued for more than 1,500,000 square feet of non-residential uses on the rezoning property and/or the special exception property
	4% of the total office uses	22% of the total office uses	
Commercial Retail and Service	Up to 630,000 square feet	Up to 700,000 square feet	
	67% of the total commercial retail and service uses	74% of the total commercial retail and service uses	
Total Non-residential	780,000 square feet	1.5 million square feet	
	16% of the total non-residential uses	32% of the total non-residential uses	
Residential	Up to 928 dwelling units	Up to 1,153 dwelling units	
		82% of the total residential uses	
	66% of the total residential uses	Up to 1,303 dwelling units ²	
		93% of the total residential uses	

¹May include non-residential development approved with the SPEX 2008-0054.

²If a zoning permit has been issued for the baseball stadium proposed with SPEX 2008-0054, then the applicant may develop up to 1,303 dwelling units as part of Phase 2.

As shown in Table 5 above, there is a disproportionate amount of residential and commercial retail and service uses proposed when compared to the amount of office uses committed to in each phase. By the end of Phase 2, the residential and commercial retail and service uses are nearly fully developed, while the submitted proffers only commit to developing 21.5% or 800,000 square feet of the total office uses proposed. Proffer IF3 provides that once zoning permits have been issued for more than 1.5 million square feet of non-residential uses of which only 800,000 square feet are required to be office uses the remaining residential and commercial retail and service uses may be developed. Therefore, of the 3.7 million square feet of office uses proposed as part of this application and approved as part of SPEX 2008-0054 (Kincora Village-Office/Recreational Complex) there is no assurance that more than 800,000 square feet will be developed. The response to staff's comments provides that the applicant's phasing approach ensures that sufficient retail and residential amenities are provided in the initial phase to attract the desired office uses. The idea behind a mixed-use development is to create a community where individuals not only work, but where they can live and have convenient access to services, shops, and recreation. Therefore, there should be a balance between the uses in each phase of development ensuring the employees working in the community the best opportunity to reside in the units. One way to ensure a balance of uses is to adhere to the land use mix percentages for each phase of development. Staff recommends the following phasing plan for the development:

Table 6: Recommended Phasing Linking Office Development with Commercial Retail and Service and Residential Development

Use ¹	Phase 1	Phase 2	Phase 3	Phase 4
Office	Up to 1,861,706 square feet	Up to 2,792,558 square feet	Up to 3,257,985 square feet	No further linkage limitation on timing of residential and commercial retail and services uses once occupancy permits have been issued for more than 3.3 million square feet of office uses on the rezoning property and the special exception property
	50% of the total office uses	50% of the remaining office uses	50% of the remaining office uses	
Commercial Retail and Service	Up to 94,783 square feet	Up to 180,087 square feet	Up to 256,861 square feet	
	10% of the total commercial retail and service uses	10% of the remaining commercial retail and service uses	10% of the remaining commercial retail and service uses	
Residential ²	Up to 350 dwelling units	Up to 613 dwelling units	Up to 809 dwelling units	
	25% of the total residential uses	25% of the remaining residential uses	25% of the remaining residential uses	

¹Includes non-residential development approved with the SPEX 2008-0054

²Includes "ADU-Equivalent Units" and Unmet Housing Need Units

Staff recommends revising phasing of the development consistent with Table 6 above to ensure a balance of uses in each phase with office as the predominant use. Staff recommends that in addition to revising phasing of the development, the applicant commit to developing higher intensity office uses fronting Pacific Boulevard in the early phases of the development to ensure that office uses are not only the predominant use on the site, but also the predominant feature when viewed from periphery roads.

Separate from development phasing (Proffer IF) is the phasing of transportation improvements (See Office of Transportation Services Referral). The Transportation Proffers (Proffer III) include construction of transportation improvements with a Community Development Authority (CDA) and without a CDA. The construction of public roads without a CDA (Proffer IIID) phases road improvements with the amount of development on the subject property. Staff notes that Pacific Boulevard will not be constructed across Broad Run until Transportation Phase 2B. Transportation Phase 2B is not required until zoning permits have been issued for more than 1.7 million square feet of non-residential, non-hotel uses, 500 hotel rooms, or 1,068 residential units. Furthermore, Gloucester Parkway is not proposed to be constructed across Broad Run until Transportation Phase 3. Transportation Phase 3 is not required until zoning permits have been issued for more than 2.4 million square feet of non-residential, non-hotel uses. All of the hotel and residential uses may be developed prior to Transportation Phase 3.

Staff continues to have concerns that the site will not develop with the office uses as proposed. There are no commitments beyond the minimum 800,000 square feet as shown in Table 5 above. Furthermore, as discussed above, the project may develop

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with all but 20 hotel rooms, all but 331 residential dwelling units (228 of which could be the "ADU-Equivalent" and Unmet Housing Needs Units), and the entire 398,825 square feet of retail uses before the Pacific Boulevard connection across Broad Run is required in Transportation Phase 2B. In addition, all of the hotel rooms, residential dwelling units, and retail uses may be developed prior to any construction or dedication of right-of-way for Gloucester Parkway.

DESIGN

Streets

Staff maintains that the primary pedestrian corridors for the development are Roads 2, 6, 8, and 9. The development of the streetscape along these roads is important in order to traffic and provide a pedestrian-friendly environment. In the third referral, staff recommended committing to no curb cuts along these streets except for the provision of hotel entrances, if applicable. The applicant has revised Proffer VJ to provide for no more than two curb cuts for vehicular entrances on each side of Road 2 and no more than one curb cut for vehicular traffic on each side of Road 6 and 8 and no curb cuts along Road 9. Curb cuts break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented uses. For these reasons, staff continues to recommend committing to no curb cuts along Roads 2, 6, 8, and 9, except for the provision of hotel entrances, if applicable.

Staff recommends the applicant commit to streetscape requirements along Roads 2, 6, 8, and 9 that contain no curb cuts, except for the provision of hotel entrances, if applicable.

Roads 1 and 2 adjacent to Land Bays A, B, F, and J are shown on the Typical Road Plans and Sections (Sheet 18) as five-lane, divided roadways with 12-foot travel lanes, and no on-street parking. The wide roadway coupled with the provision for up to two curb cuts on each side of Road 2 do not appear to promote pedestrian activity. As currently proposed, the right-of-way width for Roads 1 and 2 could be wider than Pacific Boulevard. Staff notes that an additional travel lane in one direction has been added to Roads 1 and 2 since the last referral. The design of Roads 1 and 2 should be revised taking into account pedestrian crossings.

Staff recommends the applicant incorporate a more pedestrian-friendly ROW design for Roads 1 and 2 incorporating breaks in the median with pedestrian crossings.

Staff continues to recommend revising the Concept Plan, aligning Roads 8 and 9 to create a full intersection with Roads 2 and 6. The response to staff's comments provides that these roads are offset to create a more pedestrian friendly environment. Staff continues to maintain that aligning these two roadways would help to create a grid network, facilitating pedestrian and bicycle movement. As currently proposed, Roads 8

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and 9 are offset by approximately 90 feet, requiring a modification to the Facilities Standards Manual, which calls for offsets of 225 feet or greater. Adequate intersection spacing allows for ample stacking of vehicles and creates less conflicts with bicycle traffic.

Staff recommends revising the Concept Plan to align Roads 8 and 9 where they intersect with Roads 2 and 6. Staff does not support modifications to the Facilities Standards Manual that would permit the offset of Roads 8 and 9.

Proffer IH provides that a central plaza will be provided in Land Bay J prior to or concurrent with the issuance of an occupancy permit for either the 401st residential dwelling unit or the 325,001st square foot of non-residential uses. Staff notes the residential dwelling unit trigger for the plaza is exclusive of ADUs and unmet housing need units. As the applicant is proposing up to 228 units as either "ADU-Equivalent Units" or Unmet Housing Need Units (Proffer IE), almost half (628 residential dwelling units) could be constructed prior to the plaza. Proffer IH also includes the provision of a plaza adjacent to Land Bay D (between Road 4 and 5) prior to or concurrent with issuance of an occupancy permit for Land Bays C or D and within Land Bay F prior to or concurrent with issuance of an occupancy permit for Land Bays A or F. Staff continues to recommend locating a plaza at the terminus of Road 6 providing a focal point for the community (See Civic Discussion above).

Staff recommends revising Proffer IH and the Design Guidelines, Outdoor Plaza Design Standards committing to the central plaza within Land Bay D at the terminus of Road 6 to provide a focal point for the community. Staff further recommends revising Proffer IH to state that the plaza within Land Bay J will be provided prior to or concurrent with the issuance of an occupancy permit for either the 401st residential dwelling unit, inclusive of the "ADU-Equivalent" Units and the Unmet Housing Need Units or the 325,001st square foot of non-residential uses.

Building Placement and Orientation

To promote pedestrian activity, buildings should be placed close to the street with maximum setbacks and the primary entrance should face the street rather than surface parking or parking structures. Based on the information provided it appears that Roads 2, 6, 8, and 9 (if realigned) will serve as the project's primary pedestrian streets, while Roads 1, 3, 4, 5, 7, 10, 11, and 12 will serve as the secondary pedestrian streets. Buildings that are setback far from streets with large surface parking lots placed at the front signals to the pedestrian that they are in an automobile-dominated environment that does not cater to pedestrian mobility and safety. The Building Site Placement Narrative in the Design Guidelines confirms the importance of building placement by stating "Building site placement is essential in framing the space of a street and providing a sense of enclosure. A consistent placement of adjoining buildings at the edge of the right-of-way gives the public realm a pedestrian sensibility. Street-walls (the

vertical plane resulting from a contiguous line of buildings) are created, providing a more intimate urban form”.

To create an interesting and varied street environment, staff continues to recommend the applicant revise the submitted proffers and Design Guidelines to include the following:

- ***Prohibiting principal entrances from facing a parking structure or surface parking;***
- ***A minimum of 80% of all block frontages along Roads 2, 6, 8, and 9 will be lined with buildings. Open spaces such as plazas, courtyards, public greens, and other outdoor gathering spaces will be excluded from the calculation; and***
- ***Retail and commercial service uses will be oriented so that they are not visible from Route 28, Pacific Boulevard, and Gloucester Parkway.***

The applicant has revised Proffer II, Building Heights to provide the minimum height or stories of buildings adjacent to Route 28 and Pacific Boulevard. Staff notes that Proffer II provides that buildings with frontage along the west side of, and within 100 feet of Pacific Boulevard within Land Bays B, F, and J with no intervening buildings between such buildings and Route 28, shall be constructed to a minimum of 4 stories or 50 feet. However, staff notes that Proffer VL1 permits buildings in Land Bays B, F, J, and N fronting on Route 28 or Pacific Boulevard to be setback a maximum of 150 feet.

To ensure the Route 28 Corridor develops as an employment corridor as envisioned by the Plan, staff recommends removing “and within 100 feet” from Proffer II to ensure that all buildings fronting Pacific Boulevard will be a minimum of 4 stories or 50 feet in height.

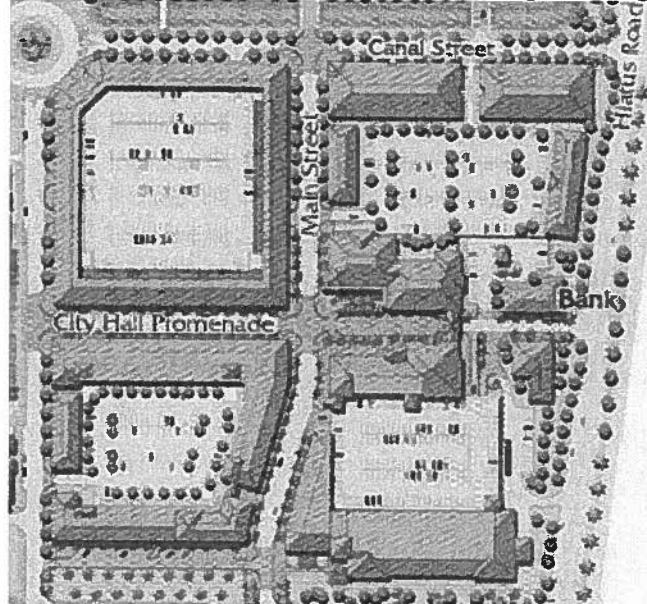
Parking

Proffer VE provides that surface parking shall be screened from internal private streets with landscaping and/or other streetscape elements as shown on Sheets 17 and 18 of the Concept Plan and comparable in size and quality to the examples provided on Sheets 19 and 19A of the Concept Plan and in Exhibit G. Staff notes that Exhibit G is a color version of Sheets 19 and 19A in order to be legible; however, these sheets do not provide enforceable screening elements but are more illustrative site furnishings. Staff notes that Sheet 18 of the Concept Plan does not show screening of parking areas and while Sheet 17 does include parking area screening it is only for Roads 1-7 and 10.

Staff recommends revising Sheet 17 to show parking area screening adjacent to Roads 8,9,11, and 12.

The Revised General Plan design objectives for parking are designed to minimize the impact of parking on the streetscape and to promote a more comfortable, safe, and visually interesting pedestrian-oriented development.

Example of Linear Buildings Screening Parking



Source: www.miramartc.com

To mitigate the impacts of parking on the development, staff continues to recommend the applicant revise the submitted proffers and Design Guidelines to include the following:

- *Prohibiting surface parking at full build-out adjacent to Roads 2, 6, 8, and 9;*
- *Shielding parking structures at full build-out with liner buildings along Roads 2 and 6;*
- *Locating parking to the rear of the buildings they serve, within the interior of blocks, with access from alleys or streets which do not conflict with pedestrian access. The only exception will be for Pacific Boulevard and Route 28; and,*
- *Prohibiting parking structures at full build-out from locating along blocks where the parking structure is the sole use.*

Additional design guideline revisions beyond what is discussed above is provided in the summary of outstanding issues on pages 4 and 5 above.

EXISTING CONDITIONS

River and Stream Corridor Resources

The subject site's western and northern boundaries are defined by the Broad Run. The Broad Run is a green infrastructure element that is utilized as a natural separation of the communities of Sterling and Ashburn. The County seeks to enhance this natural separation through greenways and natural buffers (*Revised General Plan, Chapter 6,*

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Open Space text). The existing floodplain, with its vegetation, forested cover, wetlands, intermittent streams and steep slopes comprise a natural ecosystem that contributes to the overall health and quality of the Broad Run. Staff notes preservation of the Broad Run floodplain is a County priority (Revised General Plan, Chapter 6, Green Infrastructure Text).

Within the southern boundary of the subject property the applicant has depicted the river and stream corridor resources per County data as well as the approximate limits of the proposed floodplain boundary per an active floodplain alteration (FPST 2009-0004). Staff notes that the river and stream corridor resource per County data impacts both Land Bays N and Q, while the applicant is showing the proposed floodplain west of Pacific Boulevard outside of the two land bays. Staff notes per the Department of Building and Development July 30, 2009 comments on the active floodplain alteration, the amount of proposed fill shown for Pacific Boulevard, near its intersection with Gloucester Parkway, is not necessary for roadway construction. The Concept Plan as currently depicted showing development within Land Bays N and Q impacting the river and stream corridor resource is inconsistent with Plan policies.

Staff recommends revising the Concept Plan locating Land Bays N and Q outside of the river and stream corridor resource. Staff does not support allowing floodplain alterations to achieve additional developable areas.

Proffer IIA has been revised to state that no land disturbing activity shall be performed within the area defined as the 1,400 foot Rookery Radius shown on Sheet 12 of the Concept Plan during the heron nesting season from March 1st to June 30th each year. Staff notes that it appears that the heron rookery has expanded and the 1,400 foot radius may need to be adjusted to accommodate the additional nests. Staff notes that the Virginia Department of Game and Inland Fisheries recommends precluding construction activities within 1,400 feet of the rookery that will result in excessive disturbance (e.g., clearing, grading, external construction) during the heron nesting season. Staff further notes that the Virginia Department of Game and Inland Fisheries have amended the heron nesting season to start February 15th.

Staff recommends the applicant revise the 1,400 foot and 700 foot rookery radius to accommodate the additional nests (see Environmental Review Team memo dated March 25, 2010). Staff recommends revising Proffer IIA to state construction activities that will result in excessive disturbance (e.g. clearing, grading, external construction) will not occur within the 1,400 foot rookery radius during the nesting season from February 15th to June 30th each year.

Wetlands

Staff notes Proffer IID has been revised to state that amendments to the Broad Run Restoration Concept Plan may be approved by the Department of Building and Development, the Virginia Department of Environmental Quality, and the Army Corps of

Engineers, without requiring approval of a Zoning Concept Plan Amendment. Staff is concerned that future amendments to the Broad Run Restoration Concept Plan could result in a reduction in restoration activities.

Staff recommends revising Proffer IID including minimum acreage requirements for each restoration activity: created/restored wetlands, enhanced wetlands, riparian reforestation, riparian preservation, and stream enhancement.

Forests, Trees, and Vegetation

In the third referral, staff recommended the applicant update Proffer IIF removing Riparian Preservation Areas from minimum 80% tree preservation requirement as this area should be preserved in its entirety. The applicant has revised the proffers stating that they will preserve a minimum of 80% of the existing canopy within Preservation Areas shown on Sheets 22 and 23 of the Concept Plan. As there are areas on Sheets 22 and 23 labeled as Riparian Forest Preservation and Tree Preservation Outside Riparian Forest Preservation, staff recommends clearly stating that the 80% minimum tree preservation requirement pertains to Tree Preservation Outside Riparian Forest Preservation.

Staff recommends updating the proffers stating that the applicant shall preserve a minimum of 80% of the existing tree canopy within areas labeled as Tree Preservation Outside Riparian Forest Preservation on Sheets 22 and 23 so as not to confuse with areas labeled as Riparian Forest Preservation which should be preserved in its entirety.

Heron Rookery Observation Platform

Staff notes that applicant has removed the Heron Rookery Observation Platform from the application. Staff believes that the platform would provide an ideal opportunity for viewing the floodplain restoration project as well as the birds and animals associated with the created habitat. As such, staff recommends the applicant consider maintaining the commitment for an observation platform.

Highway Noise

The Revised General Plan and the Countywide Transportation Plan contain roadway noise policies, which are intended to protect noise-sensitive uses from roadway noise. The primary means to protect these uses is through proper design. All proposed land uses adjacent to any existing or proposed arterial or major collector will be designed to ensure that no residential or other noise sensitive use will have traffic impacts. Impacts occur when predicted noise levels approach or exceed the NAC or when predicted noise levels substantially exceed existing noise levels (CTP, Chapter 4, Noise Policy 2).

Staff recommends revising Proffer IIH to state the owner shall demonstrate compliance with the acoustical analysis with the goal of mitigating noise levels

that approach or exceed the Noise Abatement Criteria identified in the Countywide Transportation Plan for noise sensitive uses on the property.

UNMET HOUSING NEEDS

The housing policies recognize that unmet housing needs occur across a broad segment of the County's income spectrum and the County seeks to promote housing options for all people who live and/or work in Loudoun County. Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$102,700 effective March 19, 2009) (*Revised General Plan, Glossary*). Therefore, developers of residential and mixed-use projects are encouraged to include funding commitments and proffers to fulfill unmet housing needs in their development proposals (*Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Funding Policy 1*).

The applicant has revised their proffers committing to 6.25% of the total residential units, up to a maximum of 88 dwelling units as "ADU-Equivalent Units" and 10% of the total residential dwelling units, up to a maximum of 140 dwelling units as Unmet Housing Need Units (Proffer ID). The "ADU-Equivalent Units" are to be affordable to purchasers whose income is between 30% (\$30,810) and 70% (\$71,890) of the AMI and renters whose income is between 30% (\$30,810) and 50% (\$51,350) of the Washington Metropolitan AMI. The Unmet Housing Need Units are proffered for purchasers or renters earning up to 100% of the Washington Metropolitan AMI. No provision has been included for the area of greatest need – those with incomes below 30% of the AMI (\$30,810).

Since the County does not define workforce housing, staff recommends removing this reference from Proffer ID. Recognizing that the largest segment of unmet housing needs is housing for those with incomes below 30% of the AMI, staff recommends the applicant commit to a certain portion of the residential dwelling units to serve individuals with incomes below 30% of the AMI.

Staff notes that the applicant may provide all of the proffered 140 Unmet Housing Need Units as rental units for renters earning up to 100% of the Washington Metropolitan AMI. Proffer IB4 provides that if a CDA is established for the subject property, all residential dwelling units will be rental units until the CDA debt payment obligations have been satisfied. A rental unit up to 100% of the Washington Metropolitan AMI is comparable to a market rate rental unit (approximately \$2500 per month) and would not address the County's unmet housing needs. As up to 60% of the Washington Metropolitan AMI is used by state financing agencies and the County's own housing fund process for rental units, staff recommends the applicant commit to similar requirements for any for rent Unmet Housing Need Units to ensure that the unmet housing needs of the County are being met with the proposed application. According to the AECOM Study prepared for the Housing Advisory Board, in 2005 the County had a surplus of rental units for incomes 70% of the AMI and greater (*Basic Housing and*

Employment Data and Projects, AECOM Study, August 1, 2006, Table 3.6: Comparison of Housing Unit Supply and Demand). According to the 2007 American Community Survey, in 2007, approximately 40% of homeowners and 52% of renters within the County spent more than 30% of household income on housing costs.

Staff recommends the applicant revise the proffers stating that any Unmet Housing Need Unit provided as a rental unit will be provided for rental households whose income is less than 60% and for-sale condo units for households earning up to 100% of the Washington Metropolitan AMI. The applicant should also provide commitments to a variety of unit types, including sizes and number of bedrooms to accommodate various needs within the County.

Proffer ID states that the "ADU-Equivalent Units" and the Unmet Housing Need Units will be administered either (a) consistent with the ADU provisions of Article 7 of the Zoning Ordinance with the exception that the income limit shall be 100% of the Washington Metropolitan AMI and that all or any portion of the units may be located in a single building or (b) subject to a federal or state affordable housing program. Staff is unsure why the applicant has proffered to possibly administer the "ADU-Equivalent Units" and the Unmet Housing Need Units subject to a federal and state affordable housing program and requests more information. Staff notes Article 7 of the Zoning Ordinance calls for ADUs to be comparable to market rate units and interspersed among the market rate units. This is consistent with Plan policies calling for the interspersion of affordable housing (Revised General Plan, Chapter 2, CPAM 2007-0001, Countywide Housing Policies, Legislation Policy 3). Staff notes that the Affordable Dwelling Unit Advisory Board (ADUAB) is currently working on design guidelines that would help clarify and set parameters for the interspersion and compatibility requirements of Article 7. The proffers also state affordability requirements for the "ADU-Equivalent Units" and the Unmet Housing Need Units shall remain in effect for a minimum of 15 years. Chapter 1450 of the Codified Ordinance requires the affordability requirement for sale ADUs to remain in effect for a minimum of 15 years and for rent ADUs to remain in effect for 20 years.

Staff recommends the applicant revise the proffers stating that the affordable dwelling units shall be administered consistent with Article 7 of the Zoning Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance. Staff recommends the applicant revise the proffers calling for the interspersion of the "ADU-Equivalent Units" and the Unmet Housing Need Units throughout the development. Staff recommends the applicant participate in the ADUAB Article 7 and Chapter 1450 Ordinance Revisions as the revisions would apply countywide rather than on a project specific basis. Staff further recommends revising the proffers to state that the affordability requirement for all "ADU-Equivalent Units" and the Unmet Housing Need Units shall be a minimum of 20 years for rental units and a minimum of 15 years for for-sale condo units. Staff requests

information regarding the administration of the "ADU-Equivalent Units" and the Unmet Housing Need Unit subject to a federal and state affordable housing program.

The applicant has revised the proffers to include conveyance of three acres within Land Bay E to the Windy Hill Foundation (Proffer IE). The applicant shall convey the three acres to the Windy Hill Foundation through a separate, private agreement between the Owner and the Windy Hill Foundation. Since this is a private agreement between the applicant and a third party with no County involvement, staff recommends removing this from the proffers.

Proffer VM has been added to provide that "ADU-Equivalent Units" and Unmet Housing Need Units will employ universal design principles to the extent feasible.

Staff recommends committing to universal design within a certain percentage of residential dwelling units.

CAPITAL FACILITIES

The capital facility impact of the proposed development is \$33,261,200 (see Attachment 1). The applicant has included a Capital Facilities Contribution sheet dated January 4, 2010 with this submission. Staff notes that the applicant has calculated the capital facility impacts for 1,172 market rate units. As there are no commitments to affordable dwelling units per Article 7 of the Zoning Ordinance and Chapter 1450 of the Codified Ordinance all proposed residential dwelling units (1,400) should be included in the capital facility calculation (See Unmet Housing above). Staff notes that the applicant is proposing capital facility credits for the Broad Run Floodplain Dedication and the Broad Run Toll House Preservation Activities; however, neither meet County standards and cannot be counted towards mitigating the capital facility impacts associated with the proposed project.

As this is an area of the County where residential uses are not anticipated (see Land Use discussion above) the capital facility impacts may be higher than what has been calculated. The proposed residential community is isolated from the services that are intended to support it such as, schools, parks, etc.

Staff recommends that the impacts of the proposed development be mitigated.

OPEN SPACE PRESERVATION PROGRAM

In the Revised General Plan, sufficient open space is recognized as a key component to all development regardless of density. The County's program for obtaining open space comprises a "toolbox" approach with a number of mechanisms to ensure the adequate provision of active, passive, and natural open space in the County (Revised General Plan, Chapter 11, Open Space text). The Open Space Preservation Program is one of these tools for projects proposing the highest suburban density levels – from

3.5 to 4.0 dwelling units per acre for residential projects as well as those in high-density residential areas. To achieve these higher densities, the Board of Supervisors anticipates evidence of participation in the program through either dedication of land on an acre-by-acre basis or cash in lieu of the land for the purchase of open space. Staff recommends the applicant use the Broad Run Floodplain Dedication towards meeting the open space preservation for the subject property. Typically the County anticipates dedication of land that is not part of the subject property; however, given the preservation of the Broad Run Floodplain as a County priority the dedication of this resource may be appropriate to offset the demand created from the proposed increased concentration of residents. In the event the applicant does not wish to apply the Broad Run floodplain dedication towards meeting the open space preservation program, staff has calculated the open space contribution based on the maximum amount of acreage within the northern portion of the site (25% or 45 acres) being developed with residential uses.

The Plan sets forth different Open Space Proffer Guidelines for residential neighborhoods and high-density residential areas (*Revised General Plan, Chapter 11, Open Space Policy 3*). For residential neighborhoods, densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the Open Space Preservation Program. For these types of projects, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 dwelling units per acre. In contrast, for high-density residential areas, the Plan calls for 5% of all residential units associated with densities above 4.0 dwelling units per acre to result from the acquisition of an equivalent number of open space easements. The County anticipates that cash donations for open space will be spent in the Suburban Community in which the increased density is granted. Contributions should be provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the development. In the past, the Board has historically accepted \$3,800 to \$5,000 per easement. The open space contribution for 61 easements would range from \$231,800 to \$305,000 for a high-density residential community (Attachment 2). The accepted contribution range of \$3,800 to \$5,000 per easement does not seem reasonable given current market values and the goal of purchasing open space within the Sterling Community.

The proposed project will potentially add 1,400 multi-family residential units in an area of the County where residential development is not envisioned or supported by Plan policies (see Land Use discussion above). Because the Plan does not anticipate the development of high-density residential uses on the subject site, it does not seem appropriate to calculate the number of anticipated open space easements using that methodology. To offset the demand created from the proposed increased concentration of residents in an area where residential development is not permitted the open space calculations for residential projects may be more appropriate in this case, which calls for a contribution of \$4,721,500 to \$6,212,500, based on 1242.5 easements (Attachment 3).

Staff recommends the applicant apply the Broad Run floodplain towards meeting the open space contribution or provide an open space easement contribution consistent with Plan policy recognizing that the current market values to purchase open space within the Sterling Community may exceed the contribution range.

PROFFER COMMENTS

1. Staff notes that the FSM and LSDO Modifications have been included in the proffers and on Sheet 14 (Concept Plan Tabulation Sheet) of the Concept Plan. FSM and LSDO waivers and modifications must be submitted at the time of site plan or construction plans and profiles. Including these in the proffers and on the Concept Plan Tabulation Sheet gives the appearance that these waivers and modifications were reviewed during the rezoning process and therefore should be removed.
2. The applicant has included in the proffers conformance with several sheets including, Sheets 19 and 19A, Typical Illustrative Site Furnishings; Sheet 20, Illustrative Streetscape Concepts; Sheet 21, Illustrative Amenity Concepts; Sheets 29 and 30, Illustrative Layout Plan; Sheet 31, Illustrative Land Use Map; Sheets 32 and 33, Civic Space Exhibit; and Sheets 34 and 35, Open Space Plan; as well as included copies of Sheets 19 and 20 within Exhibit G of the proffers. Staff notes that these sheets are difficult to read and are for illustrative purposes and questions the commitment to these sheets.
3. Proffer IA provides "the Owner shall have reasonable flexibility to modify the location of uses and layout shown on the Concept Plan to accommodate final engineering and development ordinance requirements, provided such changes are: (i) in substantial conformity with the approved Concept Plan and Proffers; (ii) do not increase total permitted square footage; and (iii) do not decrease the minimum amount of open space or peripheral setbacks shown to be provided on the property." As substantial conformance is defined in the Zoning Ordinance and the Concept Plan only depicts land bays and roadways with specific commitments to the uses within each land bay, staff recommends removing this statement.
4. Proffer IA provides that building locations and footprints and associated parking areas and structures identified on the Concept Plan are for illustrative purposes and are subject to change by the Owner. Staff recommends removing this statement as the proffers state that Sheets 8-12 of the Concept Plan illustrate the layout proposed for the development of the Property and indicate development limitations on the Property. As building locations and footprints and associated parking are shown on the Illustrative Layout Plan (Sheets 29 and 30), which is for illustrative purposes only, staff recommends removing this statement from the proffers.
5. Proffer IVB should be revised to state "Dedication of River and Stream Corridor Resources and Trails". Recommend revising the first sentence to state the Owner shall dedicate to the County the approximately 162.11 acre river and stream corridor resources for the Broad Run. Staff notes that floodplain extends east of Pacific Boulevard in Land Bays N and Q.

CONCEPT PLAN REVISIONS

1. Areas on both sides of Land Bay D are labeled for employment and retail uses (Sheet 11 and 12), but are not assigned to a specific land bay.
2. Proffer IG2 provides that if an application for a performing arts center has not been filed within 10 years of the rezoning approval, the two-acre performing arts center site proposed within Land Bay J may be relocated to a two-acre site within the northern portion of the property. There is no indication where this two-acre site would be located and how the relocation of the two-acre site would impact the land bay square footages provided on Sheet 13.
3. Remove Note 13 from the Cover Sheet. Note 13 states "the applicant reserves the right to modify, as necessary, building footprints and locations, architectural designs and building elevations as needed with this application due to final engineering and architecture". Any commitments to building footprints and locations, architectural designs and building elevations have been provided in the Design Guidelines and Proffer Statement and are not subject to modification.
4. Note 23 on the Cover Sheet provides open space, interior and peripheral parking lot landscaping, tree canopy landscaping and street trees will be provided in accordance with the Loudoun County Zoning Ordinance or as modified herein. As open space should also be provided in accordance with the Revised General Plan and is not subject to modification, staff recommends removing open space from Note 23. Note 26 provides that open space will be provided in accordance with the requirements of the Zoning Ordinance and in conformance with the Revised General Plan.

RECOMMENDATIONS

Community Planning staff does not support the application given the significant number of land use and site design issues discussed above. Staff recommends denial of the application as proposed.

ATTACHMENTS

- Attachment 1:** Capital Facilities Impact Analysis
Attachment 2: Open Space Preservation Program Analysis – High-Density Residential
Attachment 3: Open Space Preservation Program Analysis – Residential

cc: Julie Pastor, AICP, Planning Director
Cynthia Keegan, AICP, Community Planning Program Manager

Attachment 3 - Open Space Preservation Program Analysis
ZMAP 2008-0021, Kincora Village Center

Based on the Open Space Proffer Guidelines of the Revised General Plan, "residential densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the open space preservation program." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, Open Space Guidelines). For residential neighborhoods, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 du/acre.

1. Number of Units Permitted at 3.5 du/acre
$$45.00 \text{ acres} \times 3.5 = 157.5$$

2. Number of Units Subject to Open Space Proffer Guidelines
$$1400 - 157.5 = 1242.5$$

3. Exempt Affordable Dwelling Units
$$1242.5 - 0 = 1242.5$$

5. Total Units Linked to Open Space Preservation = **1242.5**

6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement

$$\text{\$4,721,500} \quad \text{to} \quad \text{\$6,212,500}$$

Created on August 26, 2009

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Attachment 1 - Capital Facilities Impact Analysis (Eastern)
ZMAP 2008-0021, Kincora Village Center

TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on July 21, 2009.

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Capital Intensity Factors</i>	<i>Projected Capital Facilities Impact</i>
Single-Family Detached (SFD)	0	\$59,470	\$0
Single-Family Attached (SFA)	0	\$40,385	\$0
Multi-Family (MF)	1400	\$23,758	\$33,261,200
TOTAL	1400		\$33,261,200

1400 Total Units \$33,261,200 Total Projected Capital Facilities Impact

ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density. According to a resolution passed by the Board of Supervisors on February 15, 2005, the base density and base unit type of a type of property should be calculated using the current zoning of the property.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Number of Proposed ADUs</i>	<i>Number of Market Rate Units</i>
Single-Family Detached (SFD)	0	0	0
Single-Family Attached (SFA)	0	0	0
Multi-Family (MF)	1400	0	1400
TOTAL	1400	0	1400

2. Capital Facilities Calculations for Market Rate Units

<i>Housing Type</i>	<i>Total Number of Market Rate Units</i>	<i>Capital Intensity Factors</i>	<i>Capital Facilities Calculations for Market Rate Units</i>
Single-Family Detached (SFD)	0	\$59,470	\$0
Single-Family Attached (SFA)	0	\$40,385	\$0
Multi-Family (MF)	1400	\$23,758	\$33,261,200
TOTAL	1400		\$33,261,200

3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<i>Zoning District</i>	<i>Acres</i>	<i>Density Permitted By-right (du/acre)</i>	<i>Base Density Units</i>	<i>Capital Intensity Factor</i>	<i>Capital Facility Credit for Base Density Units</i>
PD-IP	336.64	0	0	\$59,470	\$0
0	0.00	0	0	\$59,470	\$0
0	0.00	0	0	\$59,470	\$0
TOTAL			0		\$0

4. Anticipated Capital Facilities Contribution

\$33,261,200 - \$0 = \$33,261,200

\$33,261,200 Anticipated Capital Facilities Contribution

Attachment 2 - Open Space Preservation Program Analysis
ZMAP 2008-0021, Kincora Village Center

Based on the Open Space Proffer Guidelines of the Revised General Plan, the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program to achieve higher densities in mixed-use communities proposed for development in the Suburban Policy Area. The Plan states that "5% of all residential units associated with densities above 4.0 dwelling units/acre should result from the acquisition of an equivalent number of open space easements." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, *Open Space Guidelines*). For high density residential neighborhoods, 0.05 easements is anticipated for every dwelling unit over a density of 4.0 du/acre.

1. Number of Units Permitted at 4.0 du/acre
$$45.00 \text{ acres} \times 4 = 180$$

2. Number of Units Subject to Open Space Proffer Guidelines
$$1400 - 180 = 1220$$

3. Exempt Affordable Dwelling Units
$$1220 - 0 = 1220$$

4. 5% of Units over 4.0 du/acre
$$1220 \times 0.05 = 61$$

5. Total Units Linked to Open Space Preservation = **61**

6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement

\$231,800 to \$305,000

Created on August 26, 2009

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COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION FOURTH REFERRAL

DATE: March 26, 2010

TO: Judi Birkett, Project Manager

FROM: Michelle Lohr, Planner, Zoning Administration

CASE NUMBER AND NAME: ZMAP 2008-0021, Kincora Village Center

TAX MAP/ PARCEL NUMBER (PIN): 80/27 Parcels 1 and 2 and 80/1 Residue Parcel 3 (042-29-6582, 042-49-0209, 041-29-8238 [pt.])

Staff has reviewed the fourth submittal of the referenced rezoning (ZMAP) application to include the materials identified on the transmittal sheet dated February 1, 2010.

A. OUTSTANDING ISSUES:

1. **Section 4-1351, Purpose and Intent.** This issue remains unresolved as staff continues to question whether the development meets the purpose and intent of the district in that Land Bays N and Q are isolated from Land Bays A-H, J and K and are not in close proximity to the core of the development.
2. **Section 4-1355(D)(1), Concept Development Plan.** This issue remains unresolved as the CDP does not exhibit a compact pattern of development for Landbays N and Q as required by the ordinance.
3. **Section 4-1359 Incentive Program.** The Applicant is proposing a maximum FAR of 0.79 for the property, excluding land within floodplain as stated on Sheet 13 of the Concept Development Plan. In the *Statement of Justification*, the Applicant proposes 6 different incentives to achieve the .79 FAR when only 3 are actually needed. The Applicant must request only the incentives that are to be achieved to reach the .79 FAR.

In order to receive credit for the additional FAR associated with the structured parking, hotel, adult day care facility or indoor theater, or affordable dwelling units incentives, an occupancy permit must have been issued for such uses. Further, if the operation of a shuttle service incentive is to be used, the service must actually be initiated in order to receive the additional FAR.

4. **Section 4-1359(D)(1), Additional Incentives.** It appears as though the applicant is no longer seeking approval of the additional FAR associated with provision of the additional 25 foot management buffer.

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5. **Concept Development Plan.** Renumber the plan sheets so that there are no page numbers that end in "A" (e.g. 18A, 19A) as pages with such numbering could be removed from the plan sheet set and compromise its integrity. There are more than 35 sheets, thus, the number of pages should be changed to 37. Example Sheet 1 of 37....
6. **Sheet 9. Concept Plan.** The label for Land Bay N includes "surface parking". Does the Applicant wish to be limited to surface parking or have the option for structured parking? Consider modifying label to "surface and/or structured parking". The label for Land Bay Q includes "structured parking and surface parking." Consider relabeling to "structured parking and/or surface parking".
7. **Cover Sheet.** Sheet index does not include Sheet 18A. Revise sheet index to include 18A or its replacement page number (Typical Road Plans and Sections) and renumber.
8. **Sheet 9. Concept Plan.** The label for Land Bay N includes "surface parking". Does the Applicant wish to be limited to surface parking or to have the option for structured parking? Consider modifying label to "surface and/or structured parking". The label for Land Bay Q includes "structured parking and surface parking." Consider relabeling to "structured parking and/or surface parking".
9. **Sheet 11. Concept Plan.** The labels for Land Bays A, B, E, F, G, H, J include "structured parking and surface parking" and the Land Bay D label includes only structured parking. Consider relabeling to "structured parking and/or surface parking".
10. **Sheet 12. Concept Plan.** Land Bay C label includes .."structured parking and surface parking". Land Bay D states only structured parking. Consider relabeling to "structured parking and/or surface parking".
11. **Sheet 13. Concept Plan Tabulation Sheet.**
 - a. Remove reference to floodplain study in Floodplain area tabulation in upper left corner as the study has not been approved.
 - b. Any land proposed to be excluded from the floodplain with a floodplain alteration study should not be included as developable land.
 - c. The maximum FAR is indicated as .79 in the table. The public hearing advertisement included .76 FAR. Further, the amount of office has changed from 2,722,200 as advertised to 2,822,200 on Sheet 13 and the square footage for hotel has decreased from 575,000 sq. ft. in the advertisement to 475,000 sq. ft. on Sheet 13. Please review plans and revise or readvertise if necessary.
 - d. Note (3). Land Bay N does not have hotel uses. Please revise accordingly.
 - e. Note (6). Use term of zoning ordinance, i.e. not "Non-residential". Perhaps "Commercial".
12. **Sheet 14. Proposed Zoning. Yards.**

Zoning defers to the Office of Transportation Services (OTS) regarding whether the road classification of Pacific Blvd. is "major collector" or "minor collector". Although the road classification is listed in the *Countywide Transportation Plan* as minor collector, the map

indicates that the road classification is major collector. Page A1-1 of the 2001 Revised CTP states "If any differences occur between this document and the adopted transportation maps, the maps govern." Thus, it appears as though the classification of Pacific Boulevard is major collector, the classification of which should be verified by OTS and revisions made to the table on Sheet 14 as necessary.

13. ***Sheets 17 and 18.*** As the modification request is for a 6 foot landscaping strip, revise plans to include at least a 6 foot landscaping strip between the parking lot and street right of way.
14. ***Sheet 18A Amended Soil Detail Plan.*** Revise dimensions of planting/pedestrian zone to match Sheets 17 and 18.
15. ***Sheet 25. Overall Very Steep Slopes Impact Plan.*** It appears as though the alignment of Pacific Boulevard is proposed through very steep slopes in contradiction of Section 5-1508. Zoning recommends that the Applicant provide more detailed information regarding the impact on steep slopes in order to determine whether compliance with Section 5-1508 can be achieved.
16. ***Sheets 34 and 35. Proffer IV.B.*** Include a label for "Kincora Broad Run Stream Valley Park" to match Proffer IV.B. The sheets now just include "Natural Open Space".

C. SECTION 6-1504, MODIFICATIONS

1. **Section 4-1356(B)(1). Front Yard.** Modify to permit a maximum front yard of up to 150 feet in Land Bay N.

Staff Comment: It is noted that the modification has been expanded from applying to only Land Bay N, to now applying to Landbays B, F, J, N, and Q. The maximum front yard is proposed to be increased from the permitted maximum of 30 feet (50 feet maximum with a common gathering place) to 150 feet for Landbays B, F, J, and N and to 650 feet for Land Bay Q. *The front yard cannot be modified for Land Bays B, F, J, and N without readvertising the modification as the advertisement only included a modification request for Land Bay Q for a maximum of 150 feet.*

The modification was only advertised for Land Bay Q. Please note that per Section 4-1356(B)(1), the required front yard along arterial and collector roads (Route 28 and Pacific Blvd.) follows the requirements of Section 5-900. Thus, the Applicant's design may not require the requested modifications.

2. **Section 4-1358(B)(2). Buffering and Screening, Section 5-1413(C)(1)(a), Section 5-1413(C)(2)(a).** The Applicant requests that the parking lot standards of Section 5-1413 referenced in Section 4-1358(B)(2) be modified to permit the required 10-foot wide landscape strip between parking lots and property lines to be reduced to 6 feet.

Staff Comment: It is noted that the Applicant is now requesting a modification of the landscape strip to 4 feet. *The landscape strip cannot be reduced to 4 feet without readvertising the modification as the advertisement specifically stated a requested reduction to 6 feet.* However, after meeting with the Applicant, it is understood that the property line will be shifted to encompass all proposed plantings adjacent to parking lots, and to include street trees, thus the modification request will be adequately described by

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the Planning Commission's public hearing advertisement. If possible, the public hearing advertisement for the Board of Supervisors' public hearing could be adjusted to clarify that the request is for a 10 foot area which encompasses a 4 foot planting strip and 6 foot wide planting/pedestrian zone containing street trees that is bifurcated by a sidewalk. Additional information has been requested by the Urban Forester regarding the viability of canopy trees within a six foot planting area with an amended soil panel. Staff continues to work with the Applicant to resolve this issue.

3. **Section 4-1358(C). Tree Spacing.** Modify to permit street trees to be planted at a density of 44 feet on-center where on-street parking is provided and 35 feet on-center where on-street parking is not provided. The ordinance requires street trees to be planted at a density of one tree per 25 linear feet.

Staff Comment: It is understood that the placement of street trees can be challenging when planning for the placement of utilities in the vicinity of the private streets, thus the reduction in required quantity of trees is acceptable. Staff highly recommends that the spacing of trees be as close to the 25 feet apart as possible to maintain the streetscape.

D. PROFFERS *(revised through January 13, 2010)*

Please note that the proffer statement will continue to be reviewed by Zoning Administration and additional comments are expected to be issued under separate cover.

1. *Proffer Title.* Please revise proffer title to coordinate with application name.
2. *Table of Contents.* Revise page numbers for correct references.
3. *1st Paragraph. 15th line.* Insert "Revised" in front of "1993 Loudoun County Zoning Ordinance".
4. *Proffer I.A. Last Paragraph.* Staff does not believe this paragraph is necessary. It appears to be in conflict with the preceding paragraph.
5. *Proffer B. 1st bullet.* After 3,973,025 sq. ft. suggest strike "non-residential uses" and replace with "employment, commercial, and civic uses," terms used in the zoning ordinance.
6. *Proffer I.B.1.* The 40% is required, why restate?
7. *Proffer I.B.2.* Is it necessary to state 5% minimum as it is required by the ordinance?
8. *Proffer I.B.2.* It is suggested that this paragraph be simplified by breaking it up into sections, such as "(a) Not more than 398,825 square feet shall be non-hotel commercial uses, (b) At least 200,000 square feet shall be uses such as, but not limited to restaurant, retail, ... (use terms of the ordinance), (c) with the exception of"
9. *Proffer I.B.3.* As hotel is included within the commercial category, it could be I.B.2.(d). Delete the last part of the first sentence and first part of second sentence to read "hotel uses shall not exceed a total ..."
10. *Proffer I.B.4. 2nd line.* It is recommended that the first sentence be deleted as the 10% minimum is a requirement of the zoning ordinance and the only types of residential proposed are multifamily, thus there is no need for future special exceptions.
11. *Proffer I.B.4.* Please specify "no Zoning permit for..." rather than "no building permits for,..."
12. *Proffer I.B.4.* Please specify the County agency that will be provided written notice prior to any conversion of rental units to such for-sale units for the purpose of confirming that the community development authority payment obligations have been satisfied prior to conversion. Also stipulate what section of the community development authority

- agreement requires payment for conversion of rental units to for-sale units.
13. *Proffer I.B.5.* Why is 5% included in proffers as it is a requirement of the zoning ordinance? Why are examples listed? A reference could be made to the Zoning Ordinance uses. If listed, use uses permitted in the zoning ordinance.
 14. *Proffer I.B.6. 5th line.* Please do not include parking lot islands in open space calculations.
 15. *Proffer I.B.7.* The tabulations need to be done at site plan. Delete references to record plat.
 16. *Proffer I.B.8.* It is recommended that this proffer be reviewed by MHMR.
 17. *Proffer I.B.8. 4th line.* It is recommended that the trigger on the 4th line be changed to "issuance of an occupancy permit." Please define Unmet Housing Needs.
 18. *Proffer I.C.* Please stipulate to whom the Owner is going to provide prepayment of the Route 28 Taxes. It is suggested that the recipient should be "Treasurer, County of Loudoun".
 19. *Proffer I.D.* This proffer is confusing, please reword for easier understandability. What are "ADU- Equivalent Units"? This term is not in the Zoning Ordinance.
 20. *Proffer I.D. 2nd sentence.* It is recommended that the newly added first part of the second sentence "Notwithstanding" through Ordinance" be deleted.
 21. *Proffer I.D. Last sentence.* Who decides if it's "(a)" or "(b)"?
 22. *Proffer I.E.* It is unclear as to whether this counts against the ADU count.
 23. *Proffer I.F.* Check triggers for consistency with phasing on Sheet 13.
 24. *Proffer I.F.* When do ADUs come on line?
 25. *Proffer I.F.1. Last line.* Delete "Employment Supportive Uses" and replace with "Commercial Uses."
 26. *Proffer I.F.* Check triggers for consistency with chart on Sheet 13.
 27. *Proffer I.G.* Title should be consistent with paragraph – "Community Center for Performing Arts..." Be consistent with name of performing arts use throughout proffer.
 28. *Proffer I.G.1.* Does the proffer just go away if another center is built within 5 miles of the property?
 29. *Proffer I.G.1. First line.* It is recommended that occupancy permit rather than zoning permit be the trigger.
 30. *Proffer I.G.1.* Trigger should be at occupancy permit rather than zoning permit?
 31. *Proffer I.G.1. Last line.* What is the site plan for?
 32. *Proffer I.H. 9th line.* Should 19A also be referenced?
 33. *Proffer I.I* Reword for clarity regarding intervening buildings.
 34. *Proffer I.J.* The requirement for vertical mix of uses is in the ordinance. It is not necessary to repeat in proffer.
 35. *Proffer II.C.* It appears as though the limits of clearing and grading just need to be expanded as there are too many encroachments listed.
 36. *Proffer II.L.* Why is harvesting trees from cleared land a proffer? This proffer is not necessary.
 37. *Proffer II.M. Last sentence.* Please change "will be" to "shall."
 38. *Proffer II.M.* Why is there a proffer for LEED elements if the applicant is not committing to a certain level of LEED certification? Are the buildings going to be LEED certified or not?
 39. *Proffer II. M. Last paragraph.* Define the EarthCraft program.
 40. *Proffer III.D.2-III.D.58.* The County's Land Management Information System does not have the ability to count hotel rooms. It is suggested that the proffer be based on

- approved site plans containing certain square footage amounts of non-residential uses and the number of residential dwelling units.
41. *Proffer III.D.3.* Check phasing with Sheet 13.
 42. *Proffer III.L. 8th line.* If the intent is that the shuttle will connect with Dulles Town Center, just say so.
 43. *Proffer IV. A. 8th line.* It is recommended that a paragraph break be inserted between "trails" and "Unless"
 44. *Proffer IV. 12th line.* It is recommended that a paragraph break be inserted between "width" and "Trails".
 45. *Proffer IV.B. 2nd line.* It is recommended that "maintenance" be deleted as maintenance should be ongoing.
 46. *Proffer IV.B.* Include a label for "Kincora Broad Run Stream Valley Park" on Sheets 34 and 35 of the CDP to match proffers. The sheets now just include "Natural Open Space".
 47. *Proffer V. F.* As the Applicant is requesting an FAR incentive for the structured parking, a trigger other than full buildout is necessary.
 48. *Proffer V.F. 7th line.* Insert "areas" after "parking".
 49. *Proffer V.I.* If the principal entrance is not oriented toward the street, it must be oriented toward a plaza, green, park, etc., in accordance with Section 4-1355(E) unless a modification is approved.
 50. *Proffer V.L.1. Last paragraph.* This proffer must be amended for conformity to the Zoning Ordinance regarding setbacks from arterial and collector roads. Further the modification now being requested does not match what has been advertised.
 51. *Proffer V.J.1.* The Applicant is proffering to a design to which no waiver can be given.
 52. *Proffer V.L.4.* Does this mean a retail sales establishment can be oriented toward Pacific?
 53. *Proffer VI.A.* Please refer to site as "public use site" as depicted on CDP.
 54. *Proffer VI. A.* It appears as though this proffer is only pursuant to a pending act. What if the funding for the act is not approved or if the County does not pursue the Public-Private Education and Infrastructure Act? Is the land still dedicated?
 55. *Proffer VI. C.* Is this proffer needed as the sprinklers are required any way?

Copy: Marilee L. Seigfried, Deputy Zoning Administrator

A45

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: March 15, 2010

TO: Judi Birkitt, Project Manager, Department of Planning

FROM: Todd Taylor, Environmental Review Team

THROUGH: William Marsh, Environmental Review Team Leader

CC: Marie Genovese, Community Planner, Department of Planning
Michelle Lohr, Zoning Planner

SUBJECT: ZMAP-2008-0021 Kincora Village Center
(Revised: 4th Submission – Outstanding Issues)

The Environmental Review Team (ERT) has reviewed the revised application, including rezoning plan set dated October 2008, revised through January 8, 2010. The following is a summary of those comments that have not been adequately addressed. Please see previous ERT memorandums for more detailed comment information.

Previous comments not addressed

1. Staff recommends that floodplain alteration FPAL-2009-0012 be approved prior to the approval of the rezoning application. Staff believes that the outcome of the floodplain alteration will better define the floodplain conditions and compliance with the Floodplain Overlay District (FOD) and the River and Stream Corridor Policies, which should be considered as part of the rezoning application. Staff notes that the density tabulations provided on Sheet 13 take into account the reduction of floodplain area resulting from the active floodplain alteration application. This is particularly important due to the County not being in agreement with the amount of fill proposed as part of the floodplain alteration application. If the Board decides to approve the rezoning application prior to the approval of the floodplain alteration, staff recommends that the application be revised to be based on the current FOD limits. Landbay N should be located outside of the current FOD limits as well as the River and Stream Corridor 50-foot Management Buffer. Staff further recommends updating notes 15D and 27 on Sheet 1 to clearly indicate that an approved floodplain alteration is required to enable development within floodplain areas. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 4-1505(A)(5) and

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4-1505(A)(10); Revised General Plan (RGP) River and Stream Corridor Policy 2]

2. Staff also does not agree with the proposed floodplain limits depicted on the west side of Pacific Boulevard, adjacent to Land Bay Q. Two box culverts exist under Pacific Boulevard that would allow for floodwater storage and the floodplain to occur on the east side of the road, within Land Bay Q. An existing stream with a forested riparian buffer occurs upstream of the culverts. See attached photographs 1 and 2. The rezoning application should account for the major floodplain in this area and depict the landbay limits outside of the FOD as well as the River and Stream Corridor 50-foot Management Buffer. [RGP River and Stream Corridor Policy 2]
3. Staff acknowledges the addition of a "Pacific Boulevard Construction Envelope" to the rezoning plan set, as well as the steep slope note on Sheet 25. Staff recommends that the reference to minimizing impacts to very steep slopes in the note be removed; as impacts associated with road construction is not a permitted use. Furthermore, the request for additional information (plan at 1 inch equals 50-foot scale, identifying man-made versus naturally occurring steep slopes, and limits of clearing and grading) regarding steep slopes and the Pacific Boulevard crossing over Broad Run has not been provided. The information is needed for staff to evaluate compliance with the Steep Slope Standards. [Revised 1993 LCZO Section 5-1508(D)]
4. Staff does not support Zoning Ordinance Modification 4, which now proposes to reduce the width of parking lot landscaping strips from 10 feet to 4 feet. Staff acknowledges the Amended Soil Panel Details on Sheet 18A, but is still concerned that the reduced planting area will not provide adequate space to support healthy canopy trees and sustained growth.
5. With the information provided to date, staff does not support Zoning Ordinance Modification 5. Additional information, including plan view examples illustrating the applicant's referenced constraints (utility corridors, sight distance and clear zone requirements, signage, lighting, and streetscape amenities) as well as relationships with proposed improvements (including building heights), is needed to evaluate the modification request. Proffer Statement Exhibit B does not provide sufficient information.
6. Please remove the proposed Facilities Standards Manual (FSM) waivers and modifications from the rezoning application. FSM waivers and modifications must be submitted at the time of site plan or construction plans and profiles. Maintaining the requests as part of the Proffer Statement is misleading and may cause confusion for future applications.
7. Staff appreciates the applicant's desire to incorporate green building practices within the proposed development, but is concerned that existing Proffer II.M has the potential to be difficult to enforce and verify. Staff further notes that the timing for the EarthCraft certification to be submitted to the County (prior to issuance of the

A47

initial zoning permit) is problematic because certification will not be issued by EarthCraft Virginia until the project has been completely built. Staff recommends changing the timing to "prior to issuance of first occupancy permit". Also, EarthCraft certification is not available for individual units or portions of a building. Staff recommends changing the commitment to reflect all residential buildings.

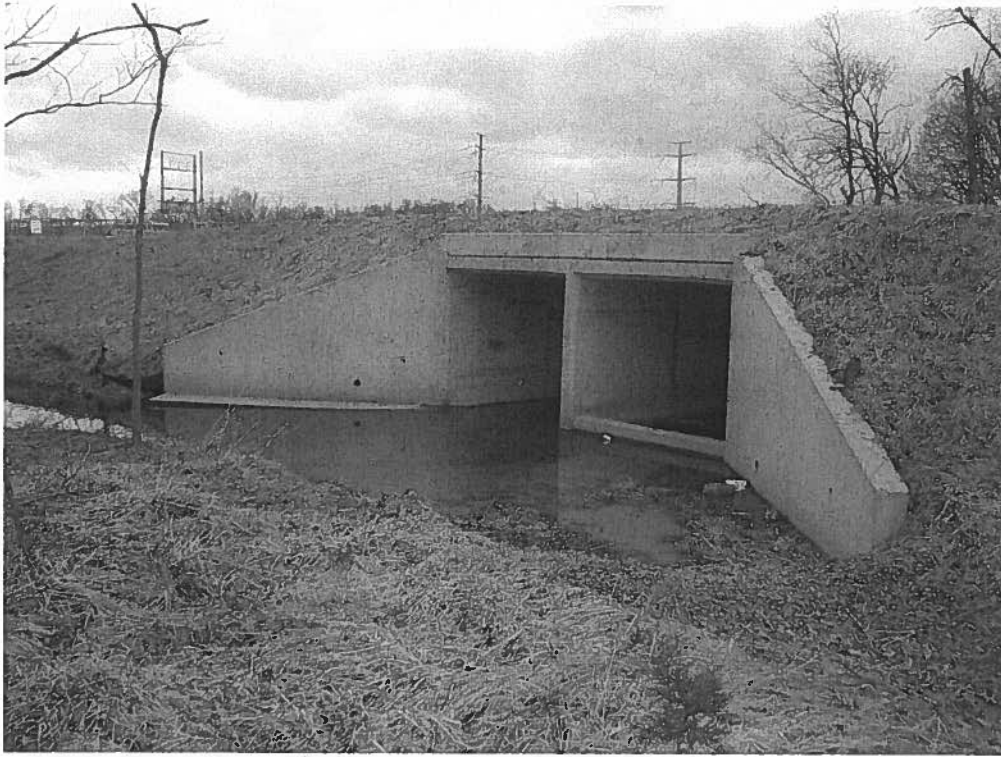
8. For clarity, staff recommends revising Proffer II.F to be consistent with the language in special exception SPEX-2008-0054 Condition 39. As such, staff recommends replacing the first sentence with the following: "Within Conservation Areas shown on the Restoration Concept Plan and within Tree Preservation Areas shown on sheets 22 and 23 of the Concept Plan, the Applicant shall preserve a minimum of 80% of the existing canopy, exclusive of stands of Virginia Pine over 25 years of age". Staff also recommends adding "and Conservation Areas" after "Tree Preservation Areas" in the second paragraph.

4th Submission Comments

9. Staff notes that the Heron Rookery Observation Platform commitment has been removed with this submission. Staff believes that the platform would provide a benefit to the trail system and an excellent opportunity for the public to experience not only the unique heron rookery, but the natural environment of the Broad Run floodplain and its reforestation succession. As such, staff recommends maintaining the commitment with this application.
10. With this submission, Proffer II.D has been revised to state that "subsequent amendments to the Kincora Broad Run Restoration Concept Plan, as may be approved by the Department of Building and Development, the Virginia Department of Environmental Quality and the Army Corps of Engineers, shall not require approval of a zoning concept plan amendment". Staff understands the need for flexibility, but is concerned that future amendments could result in substantially less restoration activities. Staff recommends that the intent of the proffer be clarified by including a minimum area (acres) for each restoration activity: created/restored wetlands, enhanced wetlands, riparian reforestation, riparian preservation, and stream enhancement.

Please contact me if you have any questions or need additional information.

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Photograph 1: Existing culverts under Pacific Bloulevard



Photograph 2: Looking east at stream corridor, upstream of the culverts

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DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: March 25, 2010

TO: Judi Birkitt, Project Manager, Department of Planning

FROM: Todd Taylor, Environmental Review Team

THROUGH: William Marsh, Environmental Review Team Leader

CC: Marie Genovese, Community Planner, Department of Planning

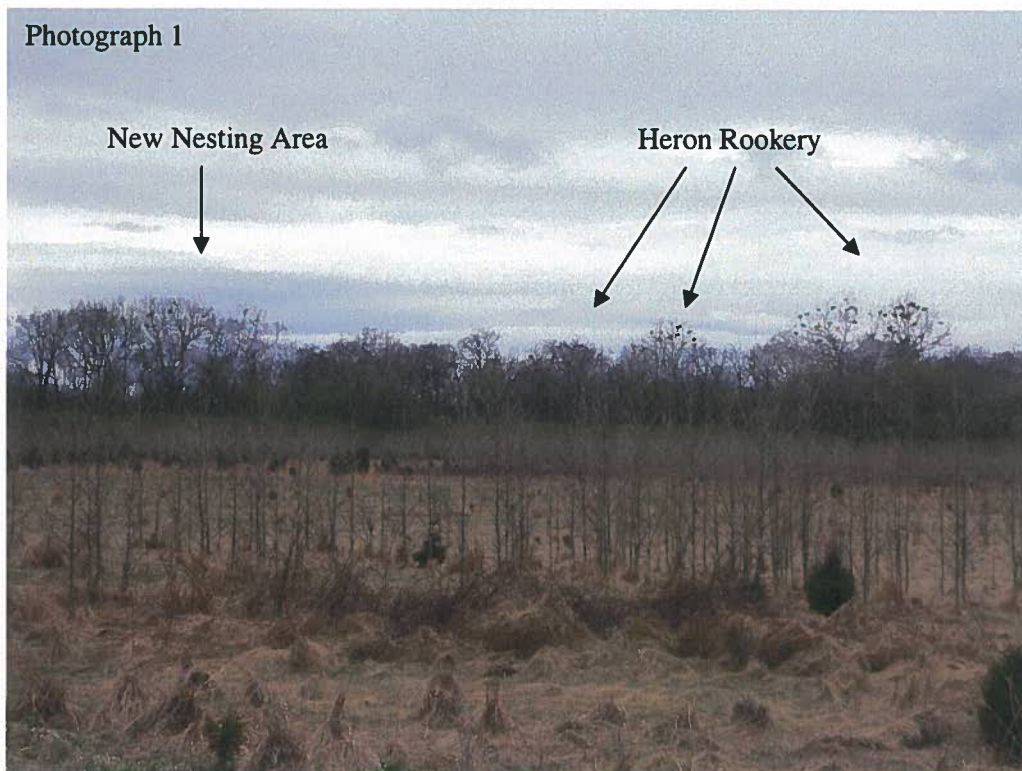
SUBJECT: **ZMAP-2008-0021 Kincora Village Center
Heron Rookery – New Nesting Area**

During a recent site visit for an application on an adjacent property and a follow-up site visit on the Kincora property, eleven additional heron nests were identified approximately 600 feet upstream of the heron rookery on the bank of Broad Run on the Kincora property (see Attachment A photographs). Communication with the Virginia Department of Game and Inland Fisheries (DGIF) has indicated that the agency will extend the boundaries of the colony to include the new nesting area. The attached map (Attachment B) depicts the heron rookery and associated 700-foot and 1,400-foot buffers, as well as the new nesting area and same buffers. Staff recommends that the 700-foot and 1,400-foot buffers be revised on the rezoning plan set to account for the new nesting area. The revised 700-foot buffer does not appear to affect the Kincora development, considering the area is designated as a Riparian Reforestation Area. However, the 1,400-foot buffer extends farther into Land Bay C and would preclude a larger area from construction activities during the nesting season. Also, to be more consistent with DGIF recommendations, staff recommends updating Proffer II.A as follows: 1) consider adjusting the heron nesting season start date from "March 1st" to "February 15th"; and 2) replace the reference to "land disturbing activities" with "construction activities (clearing, grading, external construction)".

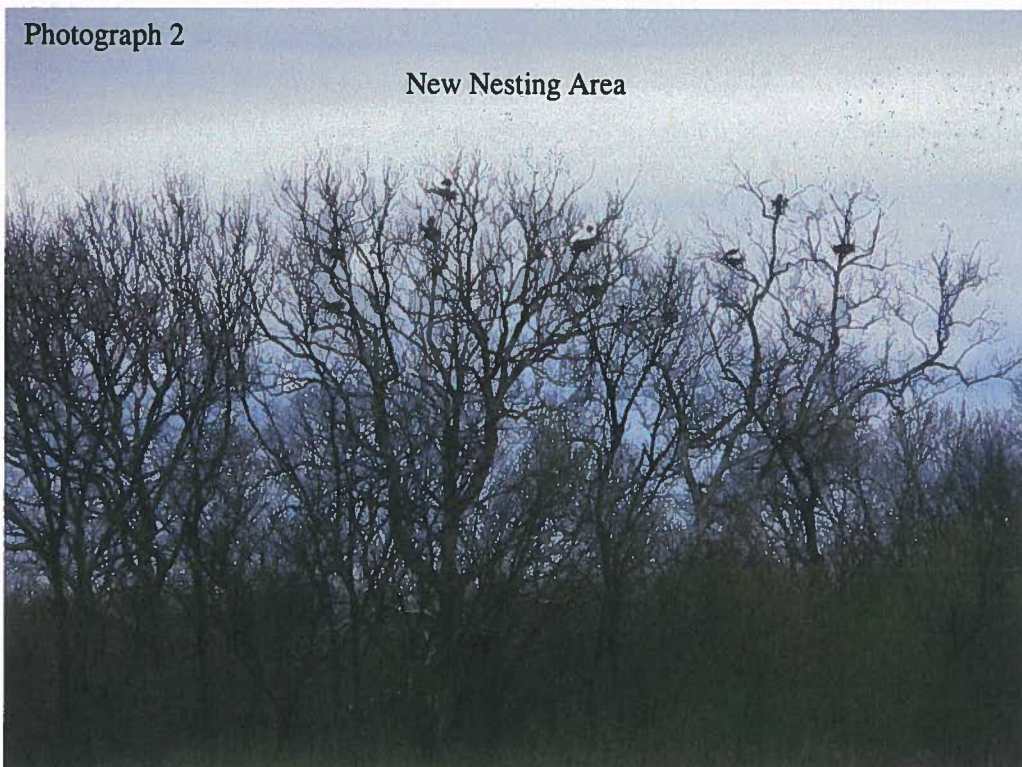
A50

Attachment A: Heron New Nesting Area Photographs

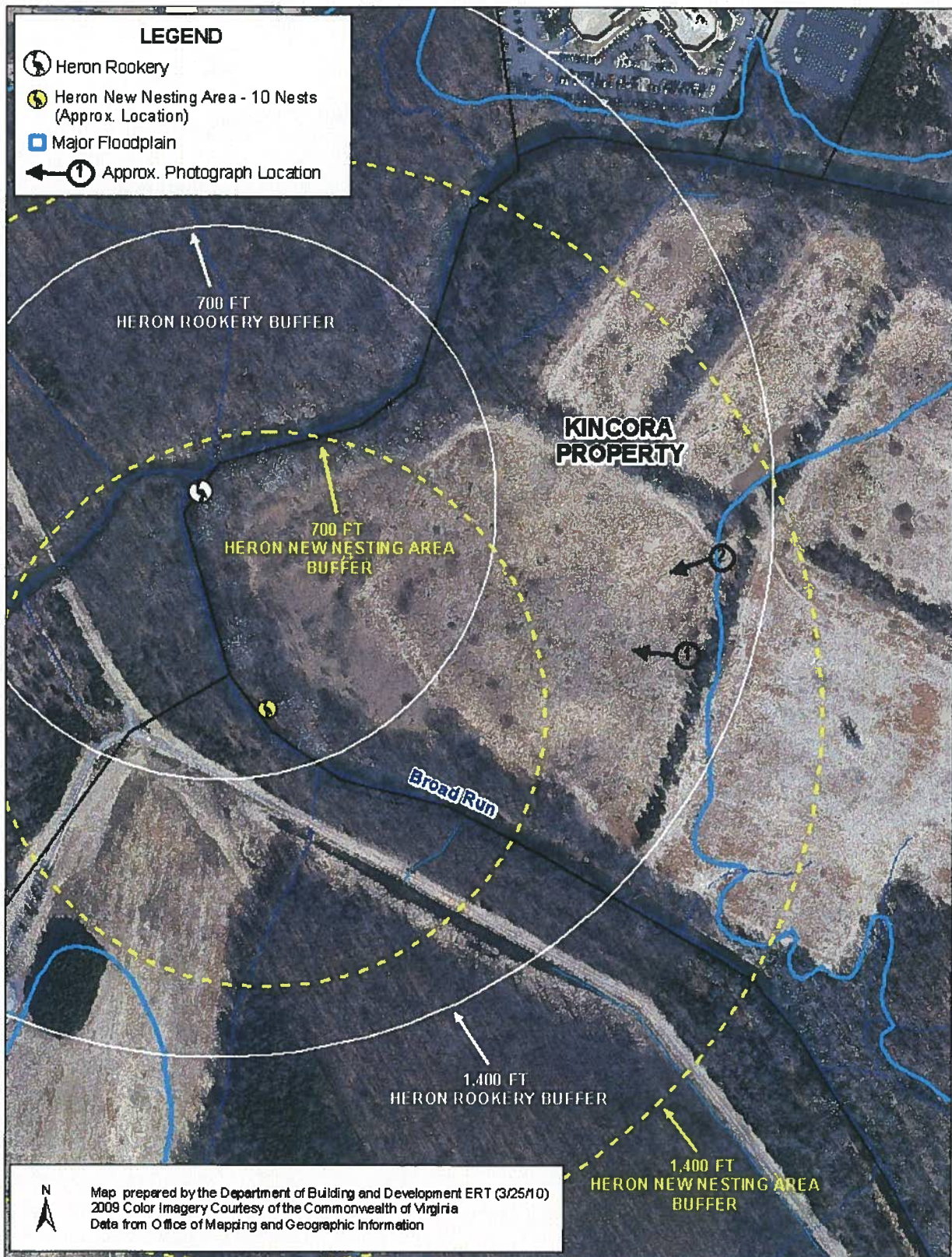
Photograph 1



Photograph 2



Attachment B: Heron New Nesting Area Map



Birkitt, Judi

From: Taylor, Todd
Sent: Monday, March 15, 2010 3:26 PM
To: Birkitt, Judi
Cc: Blackburn, Alex; Marsh, William; Lohr, Michelle; Genovese, Marie A..
Subject: FW: Kincora - 3 Pacific Blvd alignments

Follow Up Flag: Follow up
Flag Status: Flagged

Judi,

I agree with my statement below. In addition to less riparian corridor fragmentation and aligning with some areas previously impacted by the Route 7 exit ramp, the red alignment also results in less tree canopy impacts. However, if the red alignment is removed to allow the toll house to be preserved, staff believes the blue alignment is preferred environmentally for the following reasons:

- 1) Land Bay B would be reduced in size, allowing tree preservation to be optimized in the triangular shaped land located between Broad Run, Route 7 exit ramp, and Pacific Boulevard. This benefit assumes that the lost area of the land bay is not recaptured elsewhere on site.
- 2) The green alignment impacts the existing pond on the adjacent parcel (PIN: 040-39-5426).

Note that more detailed information would allow ERT to better analyze the alignments. Consistent with staff's previous comments, the following information would assist staff's review: plan of the alignments at 1 inch equals 50-foot scale, identifying man-made versus naturally occurring steep slopes, and limits of clearing and grading to construct each alignment.

Also, note that all three alignments impact very steep slopes, which is not permitted per Section 5-1508(D) of the Revised 1993 LCZO (see attached pdf, portion of Sheet 11). Recent discussions with Zoning as well as the County Attorney's Office, has indicated that in order to proceed a zoning modification may be pursued to modify the Steep Slope Development Standards for roads, or the Pacific Boulevard Construction Envelope may be excluded from the land area being rezoned, allowing it to remain under the 1972 ZO and not subject to the Steep Slope Standards.

Also, attached are revised comments from ERT that clarifies staff's concerns related to how the floodplain and landbay Q are depicted on the concept plan (Comment #2). The comments also now highlight a concern related to language added to Proffer II.D (Comment #10).

Please let me know if you have any questions.

Thanks!

Todd



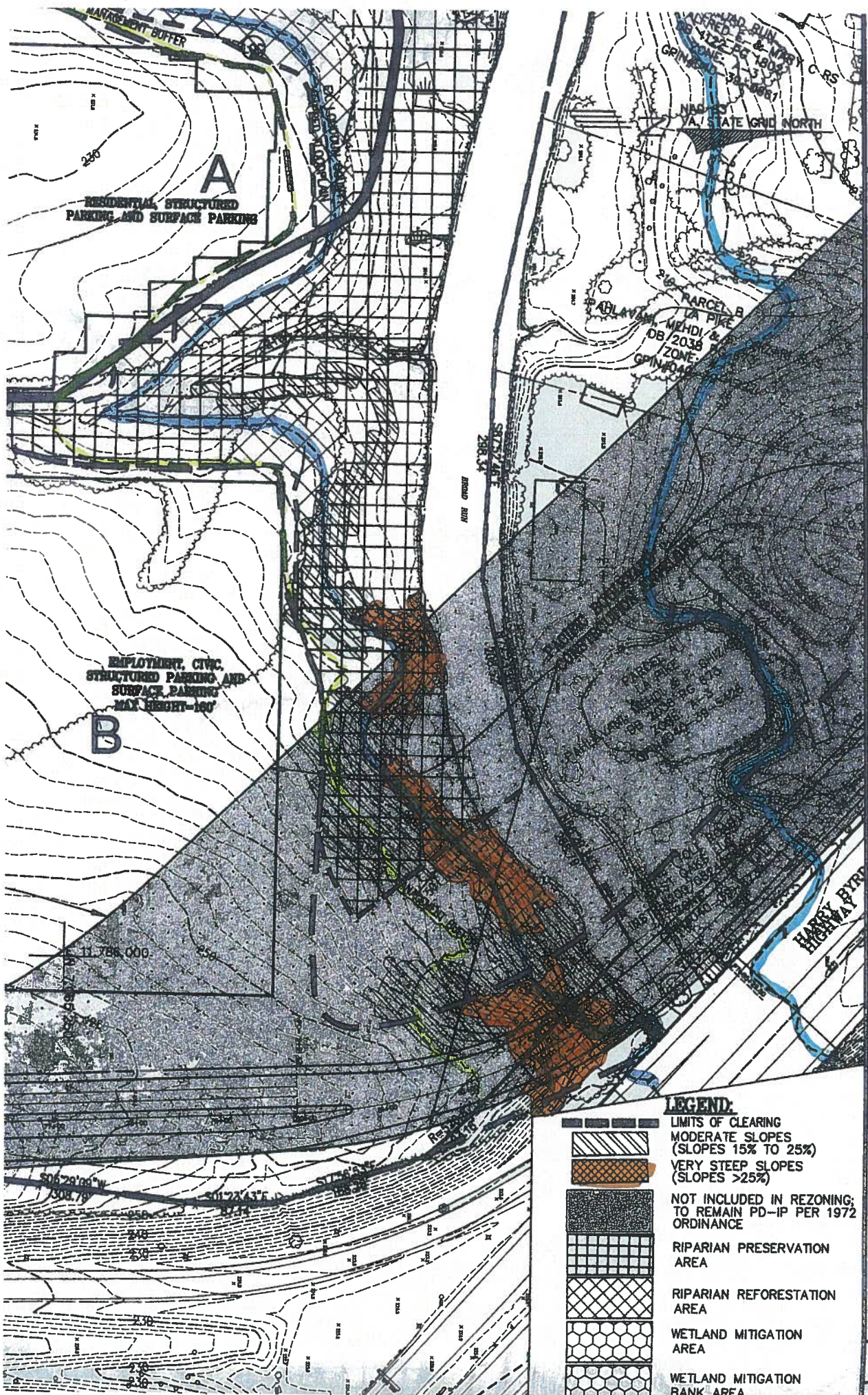
Pacific_Blvd_Steep_ Slopes.PDF



ZMAP-2008-0021
Kincora Village...

From: Taylor, Todd

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County of Loudoun
Department of Planning

MEMORANDUM

DATE: April 1, 2010

TO: Judi Birkitt, Project Manager, Land Use Review

FROM: Heidi Siebentritt, Historic Preservation Planner, Community
Information and Outreach

SUBJECT: **ZMAP 2008-0021 Kincora Village Center, *Broad Run Toll House and Bridge Historic Site District – Recommendations for Preservation in Place***

Background

The stone Broad Run Toll House and bridge ruins are flanked to the north by a segment of the original Leesburg Turnpike on a .83-acre triangular parcel south of present day Route 7. Although the road was traversed in Colonial times, the Turnpike was incorporated by the General Assembly in 1809. The Toll House and double span, arched bridge, both constructed of stone, were constructed by 1820 as necessary improvements to the east-west road network.

The bridge stood until the early 1990's when it succumbed to major flooding of the Broad Run. Remains of the bridge abutments still stand, though hidden by vegetation. A good quantity of the stone used to construct the bridge, said to have been harvested in the Blue Ridge Mountains, remains on the property. A small, yet complete historic landscape which includes the original Toll House, the bridge ruins and a portion of the historic road bed are contained on the .83-acre parcel.

The Planning Commission discussed the protection and preservation of the Broad Run Toll House and Bridge property in the context of the proposed transportation network for the subject application at their March 10, 2010 worksession. At the meeting, the Planning Commission considered the three potential alignments for Pacific Boulevard proposed by the applicant. While all of the proposed alignments would have an impact on the property to some degree, the most northern alignment would require the demolition or removal of the Toll House and the remains of the bridge.

ASS

The applicant requested that the Planning Commission consider recommending approval of a swath of land that would include all three alignments which would afford the most flexibility for the applicant in the future for right of way acquisition and engineering. In response, the Planning Commission requested that staff work with the applicant to articulate a swath of land that would include the two more southern alignments and eliminate the northern most alignment so that the property could remain intact. The applicant noted at the meeting that avoiding the .83-acre property entirely may not be possible due to engineering and topographical considerations.

At a March 18, 2010 meeting with County staff, the applicant provided an updated illustrative which shows the swath of land reduced to encompass the southern two proposed alignments, and which also includes the northeastern tip of the property. If this swath was approved by the Board of Supervisors, the road alignment could encroach onto the property approximately 50 feet and could come within approximately 100 feet of the Toll House.

Recommendations

Staff continues to recommend both the protection of the property as an historic landscape and the ultimate preservation of this resource over the long term. To this end, removal of the northern alignment from consideration could protect the structural components on the property (the Toll House and bridge). However, staff strongly recommends that the applicant include proffer language stating that, if right of way is needed within the parcel boundary of the property, the right of way, including the limits of clearing and grading for road construction, will not occur within a maximum of 150 feet of the Toll House or the bridge remains. Staff notes that any encroachment into the property will have an impact on the County's historic site district designation for this property and coordination with the County's Historic District Review Committee will be required.

To achieve the long term preservation of the historic landscape, inclusive of the three integral landscape features; the house, bridge remains and road bed, staff continues to recommend that the applicant acquire the property and actively pursue a plan for its preservation. Given the proximity of the resource to the County's planned linear park along the Broad Run, its location offers a unique opportunity for public interpretation and education.

Long term preservation could be achieved as part of the proposed development plan if the applicant considers the acquisition of the property and incorporates the preservation of this historic landscape into the overall vision for the development and its associated road improvements through donation of the property or other stewardship initiative. It has been noted in previous referrals that the application currently does not meet the land use mix policies of the Revised General Plan, particularly in regard to civic space. This issue could be resolved in part through the donation of this property to the County to be incorporated into the linear park which would allow for the preservation of the

landscape as an interpretable historic public resource with pedestrian access. This would also facilitate the possible re-use of the original Broad Run Bridge right of way for a pedestrian foot bridge across Broad Run. This is a necessary connection for the future Broad Run Trail and Potomac Heritage National Scenic Trail. Salvaged building stones from the bridge ruins could be re-used to construct such a crossing.

If the applicant should agree to donate the property to the County, the structure should be conveyed to the County in a secured condition. Specifically, the building should be "mothballed" using the standards outlined in the National Park Service's Preservation Brief #31.

cc: Julie Pastor, AICP, Director, Department of Planning
Diane Ryburn, Director, PRCS
Michael "Miguel" Salinas, Program Manager, CIO
Cindy Keegan, Program Manager, Community Planning
Marie Genovese, Planner, Community Planning

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**COUNTY OF LOUDOUN
PROFFER MATRIX TEAM**

MEMORANDUM

DATE: March 3, 2010

TO: Judi Birkitt, Project Manager

FROM: Proffer Referral Team

THROUGH: Daniel Csizmar, Capital Facilities Planner

SUBJECT: **Proffer Referral Comments
(ZMAP-2008-0021, Kincora)**

This memorandum is in response to your request for comments regarding the revised proffer statement submitted for ZMAP-2008-0021, Kincora. This referral represents the combined comments of all County Departments with capital facility planning responsibilities.

[Preamble] Please revise the 3rd to last sentence of the Preamble to state that the property is being rezoned under the Revised 1993 Loudoun County Zoning Ordinance.

[Proffer III.C] Please revise the proffer statement to provide for the Applicant to acquire all necessary off-site right-of-way, through good faith efforts, to complete the necessary off-site connections across the Broad Run for Pacific Boulevard to connect with Russell Branch Parkway, and for Gloucester Parkway to connect with Loudoun County Parkway. In the event the Applicant cannot obtain such necessary off-site right-of-way through good faith efforts for the extension of Pacific Boulevard to connect with Russell Branch Parkway and the extension of Gloucester Parkway to connect with Loudoun County Parkway, the Applicant shall request that VDOT or the County obtain such required off-site right-of-way through the use of eminent domain, with all costs associated with the eminent domain proceedings to be borne by the Applicant or the CDA, including all applicable land acquisition costs.

[Proffer III.F] The Applicant is proffering to provide a cash contribution to the County for the costs of designing and installing all traffic signals provided in Proffer III but not warranted at the beginning of Transportation Phase 3. Please note that the proffer statement only identified that traffic signals would be installed at all intersections or roads providing access to Land Bays off of Pacific Boulevard. Please revise the proffer statement to identify the exact number and locations of the traffic signals to be installed along Pacific Boulevard at intersections with roads providing access to the Land Bays so that the exact number of potential cash contributions may be identified in the event such traffic signals are not warranted at the beginning of Transportation Phase 3.

ASB

[Proffer VI.A] As currently stated, the Applicant is not proffering to provide a 5-acre Public Use Site to the County, but rather, is offering to provide a 5-acre site to the County if the Applicant is granted the pending Public-Private Education and Infrastructure Act (PPEA) award for the Route 7/28 Fire and Rescue Station. The PPEA process is, and should be, considered separately from this zoning map amendment application.

Regardless of the outcome of the PPEA process, staff requests that the Applicant proffer a 5-acre Public Use Site in Land Bay N to the County to offset the capital facility cost to the County of developing 1,400 multi-family units in the County. If granted the Route 7/28 Fire and Rescue Station PPEA award, the Applicant may use the designated 5-acre Public Use site to construct the Station under the terms of their PPEA proposal.

Please revise the proffer statement that within 60 days of approval of ZMAP-2008-0021, the Applicant shall submit a subdivision application to create a Public Use Site consisting of a minimum of 5-buildable acres (i.e. non floodplain, non-wetland, non-very steep slopes, etc.) in Land Bay N, as depicted on Sheets 9 and 10 of the Concept Development Plan. The Applicant shall dedicate and convey to the County the 5-acre Public Use Site within 180 days of the approval of ZMAP-2008-0021.

Please revise the proffer statement to change the heading of Proffer VI.A from "Fire & Rescue Site" to "Public Use Site". Please change all other references to the proffered "Fire & Rescue Site" to "Public Use Site". In the event the site is not developed as a Fire & Rescue Station, the County reserves the right to develop the Public Use Site for any use allowed within the zoning district regulations on the parcel. The site needs to be referred to as a "Public Use Site" to ensure there is flexibility in the use of the site for other public purposes.

The value of any on-site land dedication will be determined by an appraisal of the land using the procedures established under County policy for Proffer Land Value Credit Methodology. These procedures are available upon request from the project manager in the Planning Department. This appraisal determines the Capital Facility Credit provided to the Applicant for the dedication of the site. Any previous appraisal conducted more than 1 year ago cannot be used to determine the value of the proffered Public Use Site and the associated capital facility credit. Staff requests the Applicant obtain a new appraisal for the Public Use Site, and all other property proposed to be conveyed to the County, to determine the value of any potential capital facility credit. Please be advised that if the Applicant is granted the PPEA award for the Route 7/28 Fire and Rescue Station, the Applicant is no longer eligible to receive a capital facility credit for the 5-acre site.

The County requires that all utilities be provided to the Public Use Site prior to conveyance of the property to the County. Since there is a chance the County would develop the 5-acre parcel prior to the Applicant commencing development activities directly adjacent to the Public Use Site, the County requests that the Applicant revise the proffer statement to provide all utilities to the Public Use Site, including broadband, prior to dedication of the Public Use Site to the County. The Applicant shall also construct a temporary access road across Land Bay N to the Public Use Site prior to conveyance of the site to the County. The temporary access road will be required by the County to access the Public Use Site until such time as access to the site from Pacific Boulevard is provided by the Applicant.

In the event there are not 5-buildable acres within Land Bay N to proffer to the County for a Public Use Site, the County requests that the Applicant proffer to provide an "alternate" location for a 5-acre Public Use Site within Land Bay Q. Once it is determined by the County, in consultation with the Applicant, that 5-buildable acres (i.e. non-floodplain, non-wetland, non-very steep slopes, etc.) are not available in Land Bay N, the Applicant shall submit the necessary land development applications within 60 days of the County's request for dedication of the parcel to create 5-buildable acres in Land Bay Q to the County. Such parcel shall be dedicated and conveyed to the County within 180 days of the original request to create the 5-acre Public Use Site in Land Bay Q. The County reserves the right to request dedication of alternate 5-buildable acres in Land Bay Q at any time after the approval of ZMAP-2008-0021, if the County provides adequate justification that development of a County facility within Land Bay N is not feasible given the environmental restrictions that exist on the property.

[Proffer VII] Please revise the proffer statement to provide that the proffered Public Use Site, or any other land conveyed to the County, will be excluded from the Owner's Association for the Kincora Community.

[Proffer VIII.C] Please revise the proffer statement to provide that all cash contributions made by the Applicant to the County will be escalated annually according to the Consumer Price Index (CPI). As currently stated, the Applicant is proffering to only escalate only those cash contributions where the proffers specifically state the contributions will be escalated. It is County policy that all proffered cash contributions be escalated annually according to the CPI.

[Capital Facilities Contribution] Please revise the proffer statement to provide a Capital Facilities Contribution for the proposed market rate, multi-family units being developed as part of the zoning map amendment application in the event the Board of Supervisors does not grant all of the capital facility credits requested by the Applicant. If the required capital facility contribution amount exceeds the capital facility credits granted by the Board of Supervisors, the Applicant will need to provide capital facility contributions to the County for the difference. The current proffer statement does not provide for capital facility contributions. The per unit capital facility contribution amount will not be known for certain until all appraisals of the proffered Public Use Sites have been conducted, and other capital facility credits are determined and approved by the Board of Supervisors. It is sufficient to state that the Applicant will provide a capital facilities contribution of \$23,758 per market rate, multi-family detached unit. The estimated value of the Capital Facilities Contribution for the market rate units, without any Capital Facilities Credits, is \$27,844,376.

If you have any questions concerning this correspondence, please call me at (703) 771-5997.

A60



Loudoun County, Virginia
Department of Construction & Waste Management

MEMORANDUM

Date: Wednesday, March 3, 2010
To: Judi Birkitt, Project Manager
From: Dawn L. Klassen, Land Acquisition Manager *DLK*
Department of Construction & Waste Management, MSC 64
Subject: Kincora Village Center—ZMAP 2008-0021
Request for Review of an Appraisal (proffered fire & rescue site)

Please receive this memorandum as formal response to the above-referenced application.

A service delivery needs assessment revealed the need for a Fire and Rescue station in the Route 7 and Route 28 corridor and in the fall of 2002, Loudoun County voters endorsed bond referenda that included funding for the design and construction of a public safety center. This project proposes the construction of a 13,000 square foot public safety center that would provide 24-hour emergency services.

The Department of Construction & Waste Management ("DCWM") supports The Department of Fire, Rescue, and Emergency Management's ("F&R Team") Service Plan ("Service Plan") which contains a requirement of five (5) buildable acres as the minimum parcel size to accommodate such a public facility. The Applicant has proffered a 5-acre parcel in their application. A Special Exception ("SPEX") is being proposed in their application for the fire & rescue site.

The current appraisal performed on December 24, 2009 by Myers Appraisal Service values the 5-acre parcel as \$3,250,000. An earlier appraisal back on May 18, 2007, also valued the same 5-acre parcel at \$3,250,000. It appears that with the existing market conditions that the price be adjusted downward slightly. The comparables range from \$9.13 to \$16.94. Even with the adjustments based on a preliminary plan approval and floodplain issues evident in some comparables, a \$15.00 per square foot price seems a bit high. Taking this into consideration, along with the current economy, coupled with the passage of two (2) years when the original appraisal was provided for this site, I would suggest that appraisal value be closer to \$13.00 a square foot. Using this value, the revised appraisal would then be \$2,831,400.

According to Loudoun County's Proffer Land Site Valuation Methodology (attached), appraisals are to be based on the Planned Land Use. The Planned Land Use for this property is Keynote Business. The appraisal is based on the current zoning which is PD-IP and its 'highest and best use.' I do not see any reference to a Keynote Business use which is primarily Class A Office. The appraisal needs to reference Loudoun County's process and use the Planned Land Use as its

reference. His conclusions on the land values for the comparables may still be consistent, especially since Class A Office can be achieved through PD-IP or a rezoning to PD-OP.

If you have any additional comments and/or questions, please do not hesitate to contact me at (571)258-3252.

Thank you for the opportunity to review this appraisal.

cc: Lewis Rauch, Director, DCWM
File

PROFFER LAND SITE VALUATION METHODOLOGY

Effective December 1, 2009

If you plan to include a land site as part of your proffer statement, please not the following:

Off-Site Land Site—If your proffer statement offers a land site that is not contained within your rezoning land area, your land credit will be the actual sales price of the parcel. You will need to provide a copy of the sales contract price to the Project Manager assigned to your case.

On-Site Land Site—If your proffer agreement offers a land site that is contained within your rezoning land area, then you are required to submit an appraisal thirty (30) days prior to your application being scheduled for a Board of Supervisors' Public Hearing. Three (3) copies of the Summary Appraisal Report must be submitted to the Project Manager assigned to your case.

To submit an appraisal:

STEP 1: Review the revised proffered land sites policies of the Revised General Plan. (Policy 8, p. 3-5 and Policy 3c, p. 11-1), adopted on June 14, 2006 (Attachment 1).

STEP 2: Contact of the approved Appraisal Firms (Attachment 2) and order your summary appraisal. Remember to allow the appraisal firm time to complete the appraisal for submission thirty (30) days prior to your application for the Board of Supervisors' Public Hearing date. You should provide the appraisal firm a copy of the Planned Land Use Map (Attachment 3) to insure the appraisal of the parcel is based upon the Planned Land Use Designation in the Revised General Plan. Have the appraisal firm contact the Planning Department Project Manager if there is any questions concerning the land use designation. The appraisal firm must conduct a visit to the site in order to complete the appraisal report. Three (3) copies of a Summary Appraisal Report must be submitted thirty (30) days prior to your scheduled Board of Supervisors' Public Hearing date.

STEP 3: The Project Manager will incorporate the land value credit in the staff report and capital facility proffer contribution calculation based on the submitted appraisal.

Note that all appraisals are only valid from one (1) year after their completion date.

- ATTACHMENT 1 -

CPAM 2006-0001, Proffered Land Sites Valuation Credit Methodology

Proposed Revised General Plan Policy Amendments

June 14, 2006

Blue, strike-through text to be deleted; red, underlined text to be added.

Chapter 3 – Fiscal Planning and Public Facilities

(Amend B. Proffers, Proffer Policies, Policy 8, p. 3-5)

8. For the purposes of evaluating proffers for public use sites, the per-acre value for ~~public use~~ land that does not require any improvements to be completed by the developer will be determined ~~on the applicant's undeveloped parcel in a pre-rezoned state by~~ appraisal of the market value of the site based upon comparison of properties with similar densities suggested by the Planned Land Use Designation in the Revised General Plan. The appraisal shall be paid for by the developer and provided to the County.

Chapter 11 – Implementation

(Amend Proffer Guidelines, A. Capital Facilities, p.11-2)

5. A developer proffering a land site as a part of an active re-zoning application shall contact Loudoun County for a list of appraisal firms approved by the County to determine the market value of land at its planned land use designation in the Revised General Plan. The developer shall contact one of the approved appraisal firms and request an appraisal. The cost of the appraisal will be paid for by the developer.

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ATTACHMENT 2

**LOUDOUN COUNTY
APPRAISAL FIRMS FOR LAND PROFFER VALUATION
EFFECTIVE DECEMBER 1, 2009**

Bruce W. Reyle & Company, Inc.
John C. Reyle, MAI
3837 Plaza Drive
Fairfax, VA 22030
(703)273-7375
commercial@reyle.com

C&L Group
Greg Clucas, MAI
19620 Club House Road
Gaithersburg, MD 20879
(301)258-1008
gclucas@aol.com

Johnson, McClellan, Sullins & Page (JMSP)
Robert Johnson, MAI
610 Herndon Parkway, Suite 700
Herndon, VA 20170
(703)467-8424
bjohnson@JMSP.com

LeRoy & Cannon
Don Cannon
706 South King Street, Unit 5
Leesburg, VA 20175
(703)777-4411
leroycannon@juno.com

Myers Appraisal Service
Norman Myers, MAI
106 South King Street
Leesburg, VA 20175
(703)777-6543
myersappraisal@verizon.net

AGS

NBValuations Group
Sue Browning, MAI
7979 Old Germantown Road #800
Bethesda, MD 20814
(301)654-1719
nbvalsb@verizon.net

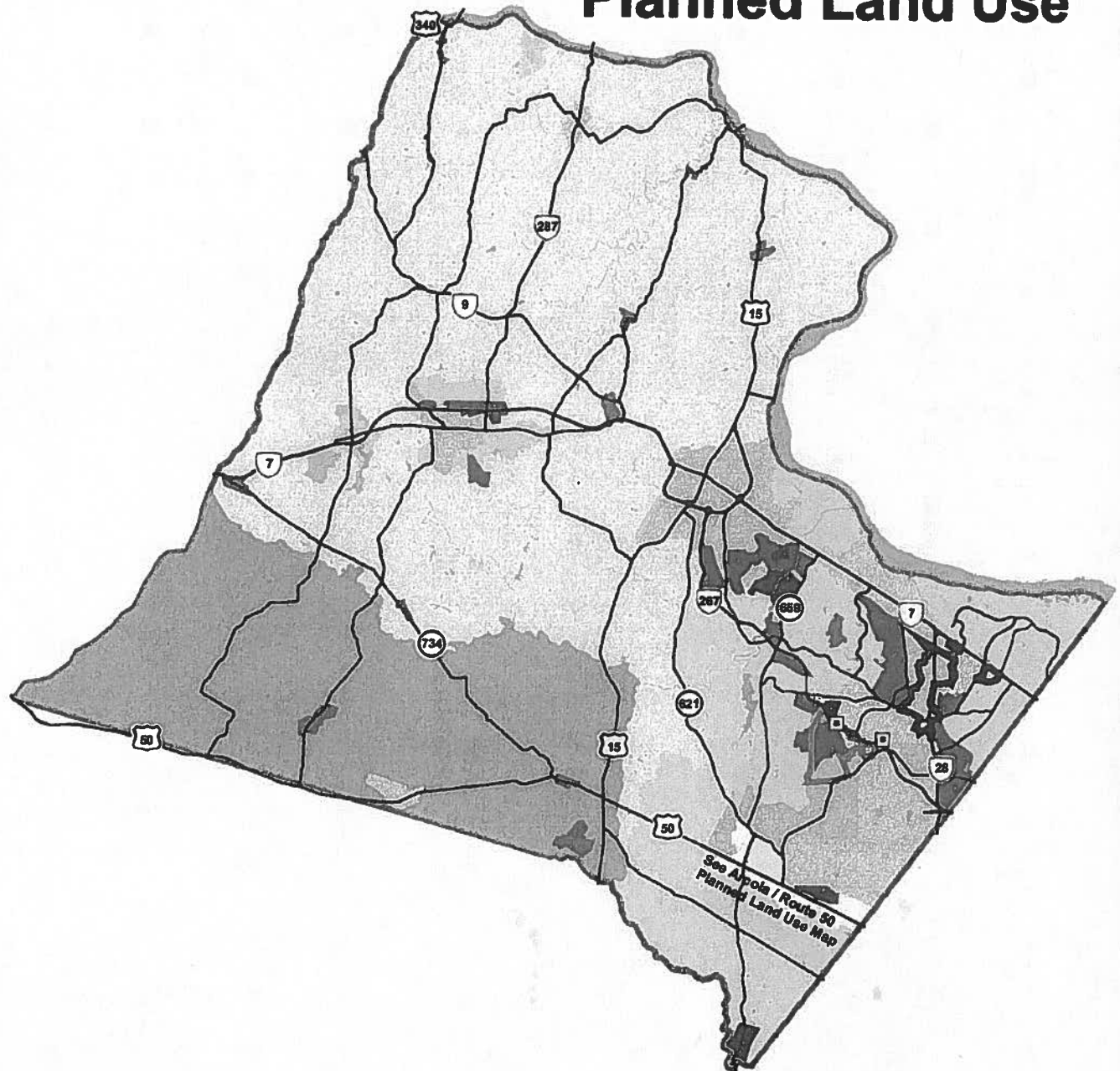
Parli Appraisal, Inc.
Richard L. Parli, MAI
3545 Chain Bridge Road, Suite 207
Fairfax, VA 22030
(703)273-6677
rparli@parliappraisal.com

R.C. Green Appraisals
Richard Green, Jr., MAI
13217 Memory Lane
Fairfax, VA 22033
(703)328-8135
rcgreen3@verizon.net

The Robert Paul Jones Co., LTD
Robert Jones, MAI
11240 Waples Mill Road
Fairfax, VA 22030
(703)385-8556
robertjones@rpjco.com

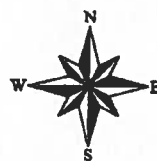
Thomas E. Reed & Associates, Inc.
Thomas E. Reed, MAI
4031 Chain Bridge Road, Suite 301
Fairfax, VA 22030
(703)246-9598
tomreedrealty@aol.com

Planned Land Use



Planned Land Use

- Towns/Airport
- Residential
- High Density Residential
- Business
- Keynote Employment
- Industrial
- Extractive Industry
- Corridor Retail
- Existing Rural Village
- Transition
- Rural - (Base Density 1 du/20 acres)
- Rural - (Base Density 1 du/40 acres)
- Rural - (Within Town JLMA)



- Urban Center
- Major Roads
- Potential Transit Node Location
- Destination Retail Areas
- Special Activities Area
- County Boundary

Notes:

Revised July 23, 2001, amended through December 6, 2006.
This map represents generalized planned land use and does not reflect existing zoning or land use.

Land uses within Purcellville JLMA subject to Purcellville Urban Growth Area Management Plan.

For illustrative purposes, the centerline of Highways and the Dulles Greenway are shown as boundaries between Planned Land Uses. This is not meant to imply that the Comprehensive Plan supports the development of any land use within the road right of way.

This map reflects CPAM revisions CPAM 2004-0007, CPAM 2004-0008, CPAM 2004-0009, CPAM 2004-0025, CPAM 2004-0028, CPAM 2005-0005, CPAM 2005-0007, CPAM 2006-0002.

For land uses in the Arcola Route 50 area please use the Arcola / Route 50 Planned Land Use Map.

Source: Loudoun County Planning Department and Office of Mapping and Geographic Information
Map Number 2007-019SM